

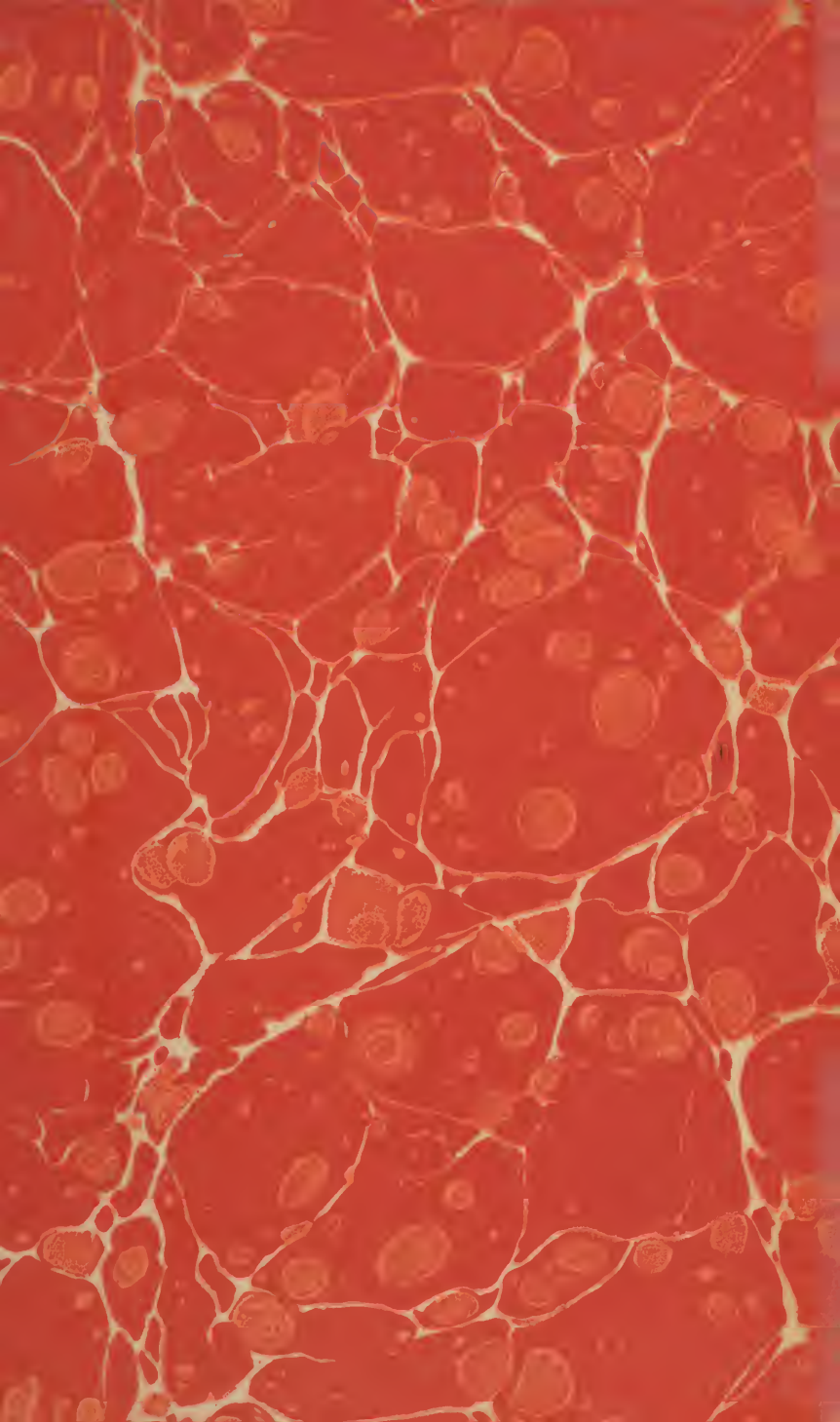
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Confederate States of American
" Laws, statutes, etc

184528
War

A DIGEST

OF THE

MILITARY AND NAVAL LAWS

OF THE

20-a

CONFEDERATE STATES,

FROM THE

COMMENCEMENT OF THE PROVISIONAL CONGRESS

TO THE

END OF THE FIRST CONGRESS UNDER THE
PERMANENT CONSTITUTION.

ANALYTICALLY ARRANGED

BY

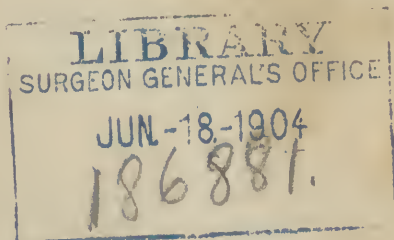
CAPT. W. W. LESTER, OF THE QUARTERMASTER-GENERAL'S OFFICE,

AND

WM. J. BROMWELL, OF THE DEPARTMENT OF STATE,

ATTORNEYS-AT-LAW.

To be continued every session.



COLUMBIA:

EVANS AND COGSWELL.

1864.

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1864

Entered according to act of Congress, in the year 1864, by

W. W. LESTER and WILLIAM J. BROMWELL,

In the Clerk's office of the District Court of the Confederate States in and for the Eastern District of Virginia.

PRINTED BY EVANS & COGSWELL, COLUMBIA, S. C.

INTRODUCTION.

The high favor with which the present work has already been received in military and legislative circles, and by the administrative officers of the government, even under the disadvantage of being examined in a manuscript state, leaves no room to doubt that, in its present neat and convenient form, it will be received as a most useful and acceptable work by all who may have occasion to consult the military and naval laws of our country.

The following letter from the Attorney-General of the Confederate States to the Hon. E. Barksdale, Chairman of Committee on Printing of the House of Representatives, and the report of that committee, communicated to the House after an examination of the work, fully describe its character and utility, and obviate the necessity of a more formal introduction to the public.

Letter from the Attorney-General of the Confederate States to the Hon. E. Barksdale, Chairman of the Committee on Printing of the House of Representatives.

CONFEDERATE STATES OF AMERICA,
DEPARTMENT OF JUSTICE, RICHMOND, January 30, 1864.

Hon. E. Barksdale, House of Representatives :

DEAR SIR : At your request I have examined, with some care, the "Analytical Digest of the Military and Naval Laws of the Confederate States," prepared by Messrs. Lester and Bromwell. It is, in my judgment, a most useful work.

The labor of searching through so many pamphlet copies of the laws, and the uncertainty, at last, as to whether all the legislation on a particular subject has met attention, have been an inconvenience long felt by all, and especially by the departments and the committees of Congress.

This work has been prepared with diligence, care, and accuracy. All the legislation upon the subjects embraced has been collated under appropriate heads, with marginal notes and references, a table of contents, and a copious index. The facilities which it furnishes to the departments and committees alone would, in my opinion, justify its publication at the expense of the government.

I recommend it to the favorable consideration of the committee.

Very respectfully, your obedient servant,

GEO. DAVIS.

Report of the Committee on Printing of the House of Representatives, relative to a Digest of the Laws of the Confederate States.

Mr. Barksdale, of Mississippi, moved a further suspension of the rule, to enable him to make a report from the Committee on Printing.

He said the committee had not made a report this session, and there were matters of importance awaiting the action of the House.

The rule was suspended, when Mr. Barksdale, from the Committee on Printing, to whom was referred a resolution of the House inquiring into the practicability of having printed an analytical digest of the laws of the Confederate States, submitted the following report :

“ That a compilation, after the plan of Brightly, embracing the military and naval laws of the Confederate States, to the close of the last session of Congress, has been submitted to them by Captain W. W. Lester, of the Quartermaster-General's department, and William J. Bromwell, Esq., of the Department of State, and that, upon examination, the work discloses the following features :

“ I. All the provisions of law bearing upon a given subject (accompanied with marginal notes, chapter of the law, number of the section, and date of act) are collected together, arranged under an appropriate general heading, and properly subdivided.

“ II. Where laws or parts of laws have been amended, modified, repealed, or extended, they are followed, in all cases practicable, immediately by the laws which so amend, modify, repeal, or extend them ; in all other cases, suitable references and cross-references are inserted.

“ III. For greater convenience of reference, and to secure the utmost simplicity of arrangement, an improvement upon similar works has been adopted of numbering the paragraphs of the work continuously from beginning to end.

“ IV. A table of the general divisions of the book, an analysis of contents prefixed to each division, and a copious index to the whole, as systematic aids to facilitate investigation.

“ V. An appendix, comprising the Articles of War, regulations concerning privateering, and other matter referred to in the body of the work.

“ The committee further report that the Digest in question, extended to embrace the military and naval laws of the present session, can be procured, ready for the printer, for the moderate sum of twenty-five hundred dollars.

“ The committee further report that an alphabetical and analytical Digest on the same plan, embracing all the laws of Congress up to the close of the present session, can be prepared, ready for printing, for the sum of four thousand dollars.”

Mr. Barksdale then reported a bill to authorize the publication of a Digest of the Laws of the Confederate States.

[The bill above referred to was passed without opposition in the Senate, and by more than a two-thirds vote in the House.]

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I. GENERAL ORGANIZATION.

1. *The Congress of the Confederate States of America* Feb. 26, 1861
do enact, That from and after the passage of this § 1, ch. 17.
act, the general staff of the Army of the Confederate General staff
States shall consist of an Adjutant and Inspector-General's department, Quartermaster-General's department, Subsistence department, and the Medical department.

2. That the officers of the Adjutant-General's, Quartermaster-General's, and Commissary-General's department, though eligible to command, according to the rank they hold in the Army of the Confederate States of America, shall not assume command of troops, unless put on duty under orders which specially so direct by authority of the President. The officers of the Medical department shall not exercise command except in their own department. Ibid, § 6.
Staff officers,
when to assume command.

3. That the staff officers herein provided for shall be appointed by the President, by and with the advice and consent of the Congress, and shall receive such pay and allowances as shall be hereafter established by law. Ibid, § 7.
How appointed.

4. That from and after the passage of this act the military establishment of the Confederate States shall be composed of one corps of engineers, one corps of artillery, six regiments of infantry, one regiment of cavalry, and of the staff departments already established by law. March 6,
1863, § 1,
ch. 29.
Military establishment.

5. There shall be four brigadier-generals, who shall be assigned to such commands and duties as the President shall direct. Ibid, § 8.
Brigadier-generals.

dent may specially direct, and shall be entitled to one aide-de-camp each, to be selected from the subalterns of the line of the army, who, in addition to their duties as aide-de-camp, may perform the duties of assistant adjutant-general.

March 14,
1861, § 2, ch.
41.
Additional
brigadier-
generals.

6. That there shall be added one brigadier-general to those heretofore authorized by law, and that any one of the brigadier-generals of the Army of the Confederate States may be assigned to the duty of adjutant and inspector-general, at the discretion of the President.

May 16, 1861
§ 2, ch. 20.
"Generals."

7. That the five general officers provided by existing laws [5 and 6] for the Confederate States, shall have the rank and denomination of "General," instead of "Brigadier-general," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President shall specially direct, and shall be entitled to the same pay and allowances [67] as are provided for brigadier-generals, and to two aides-de-camp, to be selected as now provided by law. Appointments to the rank of general, after the army is organized, shall be made by selection from the army.

March 6,
1861, § 9, ch.
29.
Officers, how
appointed.
Period of en-
listment of
rank and file

8. All officers of the army shall be appointed by the President, by and with the advice and consent of the Congress, and the rank and file shall be enlisted for a term not less than three nor more than five years, under such regulations as may be established.

Ibid, § 10.
Examina-
tion of offi-
cers.

9. No officer shall be appointed in the army until he shall have passed an examination satisfactory to the President, and in such manner as he may prescribe, as to his character and fitness for the service. The President, however, shall have power to postpone this examination for one year after appointment, if in his judgment necessary for the public interest.

Ibid, § 11.
Vacancies,
how filled.

10. All vacancies in established regiments and corps, to and including the rank of colonel, shall be filled by promotion according to seniority, except in case of disability or other incompetency. Promotions, to and including the rank of colonel, shall be made regimentally in the infantry and cavalry; in the staff depart-

ments, and in the engineers and artillery, according to corps. Appointments to the rank of brigadier-general, after the army is organized, shall be made by selection from the army.

Brigadier-generals, how appointed.

11. The President of the Confederate States is hereby authorized to appoint to the lowest grade of subaltern officers such meritorious non-commissioned officers as may, upon the recommendation of their colonels and company officers, be brought before an army board specially convened for the purpose, and found qualified for the duties of commissioned officers, and to attach them to regiments or corps, as supernumerary officers, if there be no vacancies: *Provided*, There shall not be more than one so attached to any one company at the same time.

Ibid, § 12. Meritorious non-commissioned officers.

12. The officers appointed in the Army of the Confederate States by virtue of this act shall perform all military duties to which they may be severally assigned by authority of the President, and it shall be the duty of the Secretary of War to prepare and publish regulations, prescribing the details of every department in the service, for the general government of the army, which regulations shall be approved by the President, and, when so approved, shall be binding.

Ibid, § 26. Duties of officers.

Regulations.

13. The Rules and Articles of War* established by the laws of the United States of America for the government of the army, are hereby declared to be of force, except that wherever the words "United States" occur, the words "Confederate States" shall be substituted therefor; and except that the Articles of War numbers sixty-one and sixty-two are hereby abrogated, and the following articles substituted therefor:

Ibid, § 29. Rules and Articles of War.

"ARTICLE 61. Officers having brevets or commissions of a prior date to those of the corps in which they serve, will take place on courts-martial or of inquiry, and on boards detailed for military purposes, when composed of different corps, according to the ranks given them in their brevet or former commissions, but in the regiment, corps, or company to which such officers belong, they shall do duty and take rank,

* For Articles of War, see *Appendix*.

both in courts and on boards as aforesaid, which shall be composed of their own corps, according to the commission by which they are there mustered.

“ARTICLE 62. If, upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the officer highest in rank, according to the commission by which he is mustered in the army, navy, marine corps, or militia, there on duty by orders from competent authority, shall command the whole, and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States in orders of special assignment providing for the case.”

Feb. 17, 1864
ch. 51.

14. That the sixty-fifth Article of War* be so amended as to read as follows :

Sixty-fifth
Article of
War amend-
ed.

“ARTICLE 65. Any general officer commanding an army, or commanding a force of cavalry not with and under the immediate command of the commander of an army, or other officer commanding a separate department, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being : neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the Confederate States for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.”

March 6,
1861, § 30,
ch. 29.
Number of
troops to be
called into
service.

15. The President shall call into the service of the Confederate States only so many of the troops herein provided for [4] as he may deem the safety of the Confederacy may require.

* For Articles of War, see *Appendix*.

16. All laws or parts of laws of the United States, which have been adopted by the Congress of the Confederate States, repugnant to or inconsistent with this act, are hereby repealed.

Ibid, § 31.
Repealing
clause.

17. That in all cases of officers who have resigned, or who may within six months tender their resignations from the Army of the United States, and who have been or may be appointed to original vacancies in the Army of the Confederate States, the commissions issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the United States army, held anterior to the secession of these Confederate States from the United States.

March 14,
1861, § 5,
ch. 41.
Resigned U.
S. officers.

18. That every officer, non-commissioned officer, musician, and private shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) that while I continue in the service I will bear true faith and yield obedience to the Confederate States of America, and that I will serve them honestly and faithfully against their enemies, and that I will observe and obey the orders of the President of the Confederate States, and the orders of the officers appointed over me, according to the Rules and Articles of War."

Ibid, § 6.

Military
oath.

19. That all laws and parts of laws militating against this act, be and the same are hereby repealed.

Ibid, § 7.
Repealing
clause.

20. That the President be authorized to assign officers of the Army of the Confederate States to staff duty with volunteers or provisional troops, and to confer upon them, whilst so employed, the rank corresponding to the staff duties they are to perform.

May 16, 1861
§ 9, ch. 20.
Staff duty
with volun-
teer or pro-
visional
troops.

21. That the third section of the act entitled "An act to make further provision for the public defence," approved May 11, 1861 [113], be amended by striking out of said section the words "detailed from the regular army;" and further, that the ninth section of the act entitled "An act to increase the military establishment of the Confederate States," and to amend the "act for the establishment and organization of the Army of the Confederate States of America," approved

Aug. 3, 1861
ch. 10.
Amending
act of May
11, 1861, § 9.

Staff appointments from civil life.

Aug. 31, 1861
ch. 66.
Civilians appointed to staff of generals.

March 25,
1862, ch. 9.
Staff of a general at seat of government.

May 21, 1861
ch. 41.
Rank and command for service with volunteer troops.

Dec. 31, 1861
ch. 30.
Rank and command upon officers on duty in certain bureaus.

May 16, 1861 [20], be amended by adding thereto the following elause: "And that the President may, in his discretion, upon the application and recommendation of a major-general or brigadier-general, appoint from civil life persons to the staff of such officer, who shall have the same rank and pay as if appointed from the Army of the Confederate States."

22. That the President may, in his discretion, upon the application and recommendation of a general of the Confederate States army, appoint from civil life persons to the staff authorized by law of such officer, who shall have the same rank and pay as if appointed from the Army of the Confederate States.

23. That whenever the President shall assign a general to duty at the seat of government, the said general shall be entitled to the following staff, to wit: A military seeretary, with the rank of colonel; four aides-de-camp, with the rank of major; and such elerks, not to exceed four in number, as the President shall, from time to time, authorize. The pay and allowance of the military seeretary and aides-de-camp shall be the same as those of officers of eavalry of like grade [71]; and the salaries of the elerks shall not exceed twelve hundred dollars per annum for each.† Such offices, office furniture, fuel, and stationery shall be provided for the said general as the duties of his office may render necessary, to be paid for out of the appropriation for the contingent expenses of the War department.

24. That the President shall be authorized to confer temporary rank and command, for service with volunteer troops, on officers of the Confederate army; the same to be held without prejudice to their positions in said army, and to have effect only to the extent and according to the assignment made in general order.

25. That the above entitled act [24] be so amended that, in addition to the power therein granted, the President of the Confederate States be and he is hereby authorized to confer temporary rank and command upon officers of the Confederate army on duty in the

several bureaus of the Adjutant and Inspector-General, Chief of Engineers, and Chief of Ordnance, to cease at the end of the war; the same to be held without prejudice to the positions in said army.'

II. ADJUTANT AND INSPECTOR-GENERAL'S DEPARTMENT.

26. That the Adjutant and Inspector-General's department shall consist of one adjutant and inspector-general with the rank of colonel,* four assistant adjutants-general with the rank of major, and four assistant adjutants-general with the rank of captain.

Feb. 26, 1861
§ 2, ch. 17.
Officers and
rank.

27. That the Adjutant and Inspector-General's department shall consist of two assistant adjutants-general with the rank of lieutenant-colonel, two assistant adjutants-general with the rank of major, and four assistant adjutants-generals with the rank of captain.

March 14,
1861, § 1, ch.
41.
Rank
changed.

28. That the first section of the act entitled "An act for the organization of the staff departments of the Army of the Confederate States of America," approved March fourteenth, eighteen hundred and sixty-one [27], be amended by adding to the Adjutant and Inspector-General's department one assistant adjutant-general with the rank of colonel.

Oct. 8, 1862
ch. 35.
Officers in-
creased.

29. FOR THE OFFICE OF THE ADJUTANT-GENERAL—One clerk at the rate† of twelve hundred dollars per annum; one clerk at the rate of one thousand dollars per annum; one clerk at the rate of eight hundred dollars per annum; for whose payment, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of fifteen hundred dollars.

Aug. 29, 1861
ch. 46.
Clerical
force.

III. QUARTERMASTER-GENERAL'S DEPARTMENT.

[See *XV Prov. Army*, 202 *et seq.*]

30. That the Quartermaster-General's department shall consist of one quartermaster-general with the rank of colonel [32], six quartermasters with the rank

Feb. 26, 1861
§ 3, ch. 17.
Officers;
rank and
duties.

* Brigadier-general may be assigned, 6.

† See "Salaries," in Appendix. For other clerks, see 555, 557. For appointment of assistant adjutants-general for volunteer forces, see 98.

of major; and as many assistant quartermasters as may from time to time be required by the service may be detailed by the War department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service. The quartermasters herein provided for shall also discharge the duties of paymasters, under such regulations as may be prescribed by the Secretary of War.

March 14,
1861, § 3,
ch. 41.
Organiza-
tion amend-
ed.

31. That the Quartermaster-General's department shall consist of one quartermaster-general with the rank of colonel [32], one assistant quartermaster-general with the rank of lieutenant-colonel, four assistant quartermasters with the rank of major, and such other officers in that department as are already provided by law.

March 20,
1863, ch. 8.
Rank, pay,
etc., of quar-
termaster-
general.

32. That from and after the passage of this act, the rank, pay, and allowances attached to the office of Quartermaster-General of the Army of the Confederate States shall be those of a brigadier-general in the Provisional Army.

May 16, 1861
§ 4, ch. 20.
Officers in-
creased.

33. That there be added to the Quartermaster-General's department one assistant quartermaster-general with the rank of lieutenant-colonel, and two quartermasters with the rank of major; and to the Commissary-General's department one assistant commissary with the rank of major, and one assistant commissary with the rank of captain; and to the Medical department six surgeons and fourteen assistant surgeons.

March 6,
1861, § 27,
ch. 29.
Bonds.

34. All officers of the Quartermaster's and Commissary departments shall, previous to entering on the duties of their respective offices, give bonds, with good and sufficient sureties, to the Confederate States, in such sum as the Secretary of War shall direct, fully to account for all moneys and public property which they may receive.

Ibid, § 28.
Purchase
and sale of
certain arti-
cles prohib-
ited.

35. Neither the Quartermaster-General, the Commissary-General, nor any or either of their assistants, shall be concerned, directly or indirectly, in the purchase or sale of any articles intended for, making a part of, or appertaining to public supplies, except for and on account of the Confederate States; nor shall

they, or either of them, take or apply to his or their own use any gain or emolument for negotiating any business in their respective departments, other than what is or may be allowed by law [215 to 220].

36. FOR THE OFFICE OF THE QUARTERMASTER-GENERAL three additional clerks at twelve hundred dollars each per annum,* three additional clerks at one thousand dollars each per annum; for whose payment, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of three thousand and three hundred dollars.

Aug. 29, 1861
ch. 46.
Clerical
force.

37. That the Secretary of War be and he is hereby authorized to appoint eight additional clerks in the Bureau of the Quartermaster-General at the following rates of compensation, to wit:* two at the rate of fifteen hundred dollars per annum, two at the rate of twelve hundred dollars per annum, and four at the rate of one thousand dollars per annum: *Provided*, that no person now by law subject to military duty shall be appointed.

April 19,
1862, ch. 54.
Additional
clerks.
Compensation.

IV. SUBSISTENCE DEPARTMENT.

[See *XV Prov. Army*, 202 *et seq.*]

38. That the Commissary-General's department† shall consist of one commissary-general with the rank of colonel, four commissaries with the rank of captain; and as many assistant commissaries as may from time to time be required by the service may be detailed by the War department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service. The assistant quartermasters and assistant commissaries shall be subject to duties in both departments at the same time, but shall not receive the additional compensation but in one department.

Feb. 26, 1861
§ 4, ch. 17.
Officers;
rank and
duties.

39. That the Commissary-General's department shall consist† of one commissary-general with the rank of

March 14,
1861, § 4,
ch. 41.
Organization
amended.

* See "Salaries," in Appendix. For other clerks, see 555, 557.

† Officers to give bonds, 34. Not to be concerned in purchase of supplies, etc., except on account of Confederate States, 35, 215, *et seq.* For additional officers, see 33.

colonel, one commissary with the rank of lieutenant-colonel, one commissary with the rank of major, and three commissaries with the rank of captain; and as many assistant commissaries as may from time to time be required by the service may be detailed by the War department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service.

Aug. 29, 1861
ch. 46.
Clerical
force.

40. FOR THE OFFICE OF THE COMMISSARY-GENERAL, for two clerks at the rate* of twelve hundred dollars each per annum; for whose payment, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of twelve hundred dollars.

V. MEDICAL DEPARTMENT.

[See *XV Prov. Army*, 202 *et seq.*, also *Hospitals*, 406 *et seq.*]

Feb. 26, 1861,
§ 5, ch. 17.
Surgeon-
general and
assistant
surgeons.

41. That the Medical department shall consist of one surgeon-general with the rank of colonel, four surgeons with the rank of major, and six assistant surgeons with the rank of captain [33]; and as many assistant surgeons as the service may require may be employed by the Department of War, and receive the pay [72] of assistant surgeons.

May 16, 1861,
§ 7, ch. 20.
Hospital
stewards.

42. That there may be enlisted for the medical department of the army, for the term already provided by law for other enlisted men, as many hospital stewards as the service may require, to be determined by the Secretary of War, under such regulations as he may prescribe, and who shall receive the pay and allowances of a sergeant-major [75].

Aug. 2, 1861,
ch. 7. Clerk
in charge of
hospital sup-
plies.

43. That the Secretary of War shall forthwith appoint a clerk in the office of the Surgeon-General, to take charge of all hospital supplies and other articles which may be contributed for the use of the sick and wounded, and the same to dispose of, according to the wishes of the contributors, under the direction of

* See "Salaries," in Appendix. For other clerks, see 555, 557.

the medical department of the army—the salary* of the said clerk not to exceed one thousand dollars; and the said clerk shall be authorized, under the direction of the Surgeon-General, to procure and fit up a proper place for the safe-keeping and proper disposal of the said articles.

VI. CADETS.

44. That until a military school shall be established for the elementary instruction of officers for the army, the President shall be authorized to appoint cadets from the several states, in number proportioned to their representation in the House of Representatives, and ten in addition, to be selected by him at large from the Confederate States, who shall be attached to companies in service in any branch of the army, as supernumerary officers, with the rank of cadet, who shall receive the monthly pay of forty dollars [77], and be competent for promotion at such time and under such regulations as may be prescribed by the President, or hereafter established by law.

May 16, 1861
§ 8, ch. 20.
Appointment provided for.

VII. MILITARY STOREKEEPERS.

[See 286.]

45. That the President be authorized to appoint as many military storekeepers, with the pay and allowances of a first lieutenant of infantry [70], as the safe-keeping of the public property may require, not to exceed in all six storekeepers.

May 16, 1861
§ 5, ch. 20.
Number and pay.

46. That the President be and he is hereby authorized to appoint, in addition to the storekeepers authorized by the fifth section of the act of May sixteen, eighteen hundred and sixty-one, “for the establishment and organization of the Army of the Confederate States,” as many military storekeepers of ordnance, with the pay and allowances of a captain of infantry [70], as the safe-keeping of the public property may require, not to exceed in all four storekeepers, who shall, previous to entering on duty, give bonds, with

Aug. 21, 1861
§ 2, ch. 34.
Military storekeepers of ordnance.

* See “Salaries,” in Appendix. For other clerks, see 555 and 557.

good and sufficient security, in such sums as the Secretary of War may direct, fully to account for all moneys and public property which they may receive.

VIII. ARMORIES.

[*For enlistment of Master Armorers, etc., etc., for ordnance service, see 76.*]

Aug. 21, 1861
§ 3, ch. 34.
Superintendents.

47. That the President be and he is hereby authorized, whenever in his judgment the interests of the service may require, and where officers of the army can not be assigned to these duties, to appoint one or more superintendents of armories for the fabrication of small-arms [588 *et seq.*], whose salary shall not exceed two thousand five hundred dollars per annum, with allowance for quarters and fuel at the rate fixed for a major in the army. And that the President be also authorized to appoint two or more master armorers, with a salary not to exceed fifteen hundred dollars [48] per annum, with allowance of quarters and fuel at the rate fixed for a captain in the army.

Master armorers.

April 19,
1862, ch. 55.
President may increase salaries of master armorers

48. That section third of an act entitled "An act to increase the corps of artillery and for other purposes," approved August 21, 1861 [47], be so amended as to authorize the President to increase the salaries of master armorers, or any of them, to a sum not exceeding two thousand dollars per annum.

Jan. 30, 1864
ch. 19.
Salary of master armorer at Richmond increased.

49. That the master armorer of the Confederate States Armory at Richmond, Virginia, shall hereafter receive a salary of three thousand dollars per annum, from the time of the passage of this act, with allowances for quarters and fuel of a captain of infantry.

IX. ENGINEERS.

[*See Engineers Prov. Army, 254.*]

March 6,
1861, § 2,
ch. 29.
Corps organized.

50. The corps of engineers shall consist of one colonel, four majors, five captains, and one company of sappers, miners, and pontoniers, which shall consist of ten sergeants or master-workmen, ten corporals or overseers, two musicians, and thirty-nine privates of the first-class or artificers, and thirty-nine privates of

the second-class or laborers, making in all one hundred.

51. The said company shall be officered by one captain of the corps of engineers, and as many lieutenants, to be selected by the President from the line of the army, as he may deem necessary for the service, and shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall, moreover, under the orders of the Chief Engineer, be liable to serve, by detachments, in overseeing and aiding laborers upon fortifications or other works under the Engineer department, and in supervising finished fortifications, as fort-keepers, preventing injury, and making repairs.

Ibid, § 3.
Officers of
sappers, mi-
ners, and
pontoniers.

52. It shall be the duty of the colonel of the engineer corps [55], subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, etc., of the necessary vehicles, arms, pontons, tools, implements, and other supplies for the service of the said company as a body of sappers, miners, and pontoniers.

Ibid. § 4.
Duty of colo-
nel of engi-
neer corps.

53. That the President be authorized whenever, in his judgment, the public service may require the increase, to add to the corps of engineers one lieutenant-colonel, who shall receive the pay and allowances of a lieutenant-colonel of cavalry, and as many captains, not exceeding five, as may be necessary.

May 16, 1861
§ 3, ch. 20.
Corps in-
creased.

54. That there be added to the military establishment of the Confederate States one company of sappers and bombardiers, to consist of one captain, two first lieutenants, one second lieutenant, ten sergeants or master-workmen, ten corporals or overseers, two musicians, thirty-nine privates of the first-class, and thirty-nine privates of the second-class, who shall be instructed in and perform all the duties of sappers and bombardiers, and shall, moreover, under the orders of the Chief Engineer, be liable to serve, by detachments, in overseeing and aiding laborers upon fortifications or other works under the Engineer department, and in supervising finished fortifications, as fort-keepers, preventing injury, and making repairs.

May 17, 1861
§ 1, ch. 28.
Company of
sappers and
bombardiers

Ibid, § 2.
Vehicles,
arms, pon-
tons, tools,
etc.

55. That it shall be the duty of the colonel of the engineer corps [52], subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, etc., of the necessary vehicles, arms, pontons, tools, implements, and other supplies for the service of said company as a body of sappers and bombardiers.

Ibid, § 3.
Pay of sap-
pers and
bombardiers

56. That the monthly pay of the captain of said company shall be one hundred and forty dollars; of each first lieutenant, one hundred dollars; of the second lieutenant, ninety dollars; of the sergeants, thirty-four dollars; of the corporals, twenty dollars; of the musicians, thirteen dollars; of the first-class privates, seventeen dollars, and of the second-class privates, thirteen dollars. And the said commissioned officers shall be entitled to the same allowances as all other commissioned officers of the army, and the same right to draw forage for horses as is accorded to officers of like rank in the engineer corps; and the enlisted men shall receive the same rations and allowances as are granted to all other enlisted men in the army.

Allowances,
rations, and
forage.

Aug. 29, 1861
ch. 46.
Clerical
force for the
bureau of
engineers.

57. FOR THE BUREAU OF ENGINEERS—One clerk at* twelve hundred dollars, one clerk, at one thousand dollars, one draughtsman at twelve hundred dollars; for whose payment, from the eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of seventeen hundred dollars.

X. ARTILLERY.

[See *XXI Prov. Army*, 280 *et seq.*]

March 6,
1861, § 5.
ch. 29.
Corps organ-
ized.

58. The corps of artillery, which shall also be charged with ordnance duties, shall consist of one colonel, one lieutenant-colonel, ten majors, and forty companies of artillerists and artificers; and each company shall consist of one captain, two first lieutenants, one second lieutenant, four sergeants, four corporals, two musicians, and seventy privates. There shall also be one adjutant, to be selected by the colonel from the

* See "Salaries" in Appendix. For other clerks, see 555, 557.

first lieutenants, and one sergeant-major, to be selected from the enlisted men of the corps. The President may equip as light batteries, of six pieces each, such of these companies as he may deem expedient, not exceeding four in time of peace.

59. That there be added to the corps of artillery, Confederate States army, one lieutenant-colonel and two majors, with the pay and allowances authorized by existing laws for those grades respectively.

Aug. 21, 1861
§ 1, ch. 34.
Officers in-
creased.

60. That there be added to the military establishment one quartermaster-sergeant for each regiment of cavalry and infantry, and one ordnance-sergeant for each military post, each to receive the pay and allowances of a sergeant-major, according to existing laws [75].

May 16, 1861
§ 6, ch. 20.
Quartermaster-ser-
geants and
ordnance -
sergeants.

61. That the number of ordnance-sergeants authorized by section six of [60] "An act to increase the military establishment of the Confederate States," etc., approved May 16, 1861, be so increased as to provide one for each regiment of the troops now or hereafter received in the service.

April 19,
1862, ch. 43.
Number of
ordnance-
sergeants in-
creased.

XI. CAVALRY.*

62. The regiment of cavalry shall consist of one colonel, one lieutenant-colonel, one major, and ten companies, each of which shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, one farrier, one blacksmith, two musicians, and sixty privates. There shall also be one adjutant and one sergeant-major, to be selected as aforesaid.

March 6,
1861, § 7,
ch. 29.
Regiment
organized.

63. That the President shall be authorized to raise and organize, in addition to the present military establishment, one regiment of cavalry and two regiments of infantry, whenever in his judgment the public service may require such an increase, to be organized in accordance with existing laws for the organization of cavalry and infantry regiments, and to be

May 16, 1861
§ 1, ch. 20.
Cavalry in-
creased. Ad-
ditional in-
fantry.

* For quartermaster-sergeants, see 60. For allowance for use of horses, and compensation for horses killed in action, see 95.

entitled to the same pay and allowances provided for the same respectively.

XII. INFANTRY.*

March 6,
1861, § 3,
ch. 29.
Regiments
organized.

64. Each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, and ten companies; each company shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, two musicians, and ninety privates; and to each regiment there shall be attached one adjutant, to be selected from the lieutenants, and one sergeant-major, to be selected from the enlisted men of the regiment.

Aug. 21, 1861
§ 5, ch. 34.
Company
sergeants in-
creased.

65. That hereafter there shall be allowed one additional sergeant to each company in the service of the Confederate States, making, in all, five sergeants per company, who shall receive the same pay and allowances as are provided by existing laws for that grade [75].

Feb. 17, 1864
ch. 76.
Ensign.

66. That there shall be appointed by the President, to each regiment of infantry in the Army of the Confederate States, an officer to be known as "Ensign," with the rank, pay, and allowances of a first lieutenant [70], whose duty it shall be to bear the colors of the regiment, but without right to command in the field.

XIII. PAY.†

March 6,
1861, § 13,
ch. 29.
Brigadier-
general.
Aide-de-
camp.

67. The pay of a brigadier-general shall be three hundred and one dollars per month. The aide-de-camp of a brigadier-general, in addition to his pay as lieutenant, shall receive thirty-five dollars per month.

Ibid, § 14.
Officers of
corps of en-
gineers.

68. The monthly pay of the officers of the corps of engineers shall be as follows: of the colonel, two hun-

* For two additional regiments, see 63.

† For pay of officers of sappers and bombardiers, see 56.

For additional pay to subalterns of the line acting as assistant quartermasters, see 30.

For additional pay to subalterns of the line acting as assistant commissaries, see 38.

For pay of armorers, etc., see 47 *et seq.*

For pay and allowances due deceased soldiers, see 338 *et seq.*

For pay of Zouaves, see 83. Of engineers and engineer troops, 265 *et seq.*

dred and ten dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; lieutenants serving with the company of sappers and miners shall receive the pay of cavalry officers of the same grade [71, 265, 276].

69. The monthly pay of the colonel of the corps of artillery shall be two hundred and ten dollars; of a lieutenant-colonel, one hundred and eighty-five dollars; of a major, one hundred and fifty dollars, and when serving on ordnance duty, one hundred and sixty-two dollars; of a captain, one hundred and thirty dollars; of a first lieutenant, ninety dollars; of a second lieutenant, eighty dollars; and the adjutant shall receive, in addition to his pay as lieutenant, ten dollars per month. Officers of artillery serving in the light artillery, or performing ordnance duty, shall receive the same pay as officers of cavalry of the same grade.

Ibid, § 15.
Officers of
artillery.

70. The monthly pay of the officers of the infantry shall be as follows: of a colonel, one hundred and ninety-five dollars; of a lieutenant-colonel, one hundred and seventy dollars; of a major, one hundred and fifty dollars; of a captain, one hundred and thirty dollars; of a first lieutenant, ninety dollars; of a second lieutenant, eighty dollars; the adjutant, in addition to his pay as lieutenant, ten dollars.

Ibid, § 16.
Officers of
infantry.

71. The monthly pay of the officers of the cavalry shall be as follows: of a colonel, two hundred and ten dollars; of a lieutenant-colonel, one hundred and eighty-five dollars; a major, one hundred and sixty-two dollars; a captain, one hundred and forty dollars; a first lieutenant, one hundred dollars; a second lieutenant, ninety dollars; the adjutant, ten dollars per month, in addition to his pay as lieutenant.

Ibid, § 17.
Officers of
cavalry.

72. The pay of the officers of the general staff, except those of the medical department, shall be the same as that of officers of cavalry of the same grade. The Surgeon-General shall receive an annual salary of three thousand dollars, which shall be in full of all pay and allowances, except fuel and quarters. The monthly pay of a surgeon of ten years' service in that

Ibid, § 18.
General staff

Surgeon-
general.

Surgeons.

Assistant
surgeons.

grade, shall be two hundred dollars; a surgeon of less than ten years' service in that grade, one hundred and sixty-two dollars; an assistant surgeon of ten years' service in that grade, one hundred and fifty dollars; an assistant surgeon of five years' service in that grade, one hundred and thirty dollars; and an assistant surgeon of less than five years' service, one hundred and ten dollars.

Ibid, § 19.
Additional
pay.

73. There shall be allowed, in addition to the pay hereinbefore provided, to every commissioned officer, except the Surgeon-General, nine dollars per month for every five years' service; and to the officers of the Army of the United States, who have resigned or may resign to be received into the service of the Confederate States, this additional pay shall be allowed from the date of their entrance into the former service. There shall also be an additional monthly allowance to every general officer commanding in chief a separate army actually in the field, of one hundred dollars.

Ibid, § 20.
Forage,
fuel, etc.

74. The pay of officers, as hereinbefore established, shall be in full of all allowances, except forage, fuel, quarters, and travelling expenses while travelling under orders. The allowance of forage, fuel, and quarters shall be fixed by regulations, and shall be furnished in kind, except when officers are serving at stations without troops where public quarters can not be had, in which case they may be allowed, in lieu of forage, eight dollars per month for each horse to which they may be entitled, provided they are actually kept in service and mustered, and quarters may be commuted at a rate to be fixed by the Secretary of War, and fuel at the market price, delivered. An officer when travelling under orders shall be allowed mileage at the rate of ten cents per mile.

Commuta-
tion.

Mileage.

Ibid, § 22.
Enlisted
men.

75. The monthly pay of the enlisted men of the Army of the Confederate States shall be as follows: That of a sergeant or master-workman of the engineer corps, thirty-four dollars; that of a corporal or overseer, twenty dollars; privates of the first-class or artificers, seventeen dollars; and privates of the sec-

ond-class or laborers, and musicians, thirteen dollars. The sergeant-major of cavalry, twenty-one dollars; first sergeants, twenty dollars; sergeants, seventeen dollars; corporals, farriers, and blacksmiths, thirteen dollars; musicians, thirteen dollars; and privates, twelve dollars. Sergeants-major of artillery and infantry, twenty-one dollars; first sergeants, twenty dollars each; sergeants, seventeen dollars; corporals and artificers, thirteen dollars; musicians, twelve dollars; and privates eleven dollars each. The non-commissioned officers, artificers, musicians, and privates serving in light batteries shall receive the same pay as those of cavalry.

76. The President shall be authorized to enlist as many master armorers, master carriage-makers, master blacksmiths, armorers, carriage-makers, blacksmiths, artificers, and laborers, for ordnance service, as he may deem necessary, not exceeding in all one hundred men, who shall be attached to the corps of artillery. The pay of a master armorer, master carriage-maker, master blacksmith, shall be thirty-four dollars per month; armorers, carriage-makers, and blacksmiths, twenty dollars per month; artificers, seventeen dollars, and laborers, thirteen dollars per month.

Ibid, § 23.
Armorers,
carriage-
makers, etc.,
for ordnance
service.

77. That the pay of cadets in the service of the Confederate States shall be the same as second lieutenants of the arm of service to which they are attached [44].

Oct. 13, 1862
ch. 54.
Cadets.

XIV. BOUNTY.

[*See Bounty, etc., Prov. Army, 125 et seq.; also Privateers and Prizes, 666, 670.*]

78. There shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the Army of the Confederate States, a bounty of ten dollars; but the payment of five dollars of the said bounty shall be deferred until the recruit shall have been mustered into the regiment in which he is to serve.

May 16, 1861
§ 10, ch. 20.
Of ten dol-
lars.

XV. RATIONS.*

[For Hospital Rations, see "*Hospitals*," 416 et seq.]

March 6,
1861. § 24,
ch. 29. One
ration per
day. Cloth-
ing.

79. Each enlisted man of the Army of the Confederate States shall receive one ration per day, and a yearly allowance of clothing, the quantity and kind of each to be established by regulations from the War department, to be approved by the President.

Ibid, § 25.
In kind.
Commuta-
tion.

80. Rations shall generally be issued in kind; but under circumstances rendering a commutation necessary, the commutation value of the ration shall be fixed by regulations of the War department, to be approved by the President.

XVI. FORAGE.†

March 6,
1861. § 21,
ch. 29.
In time of
war.

81. In time of war, officers of the army shall be entitled to draw forage for horses according to grade, as follows: A brigadier-general, four; the adjutant and inspector-general, quartermaster-general, commissary-general, and the colonels of engineers, artillery, infantry, and cavalry, three each; all lieutenant-colonels and majors, and captains of the general staff, engineer corps, light artillery and cavalry, three each; lieutenants serving in the corps of engineers, lieutenants of light artillery and of cavalry, two each. In time of peace: general and field-officers, three; officers below the rank of field-officers in the general staff, corps of engineers, light artillery and cavalry, two: *Provided*, in all cases, that the horses are actually kept in service and mustered. No enlisted man in the service of the Confederate States shall be employed as a servant by any officer of the army.

In time of
peace.

Officers not
to employ
enlisted men
as servants.

May 21, 1861
§ 3, ch. 38.
To aides-de-
camp and
adjutants.

82. That the twenty-first section [81] of the act for the organization of the Army of the Confederate States be so amended as to allow to aides-de-camp and to adjutants forage for the same number of horses

* Officers of army and navy entitled to draw one ration. See 238.

Officers not allowed to purchase more than one ration a day. See 239.

For allowance of tobacco ration, see 241.

† Chaplains entitled to draw forage, 253.

Officers not on service in the field, under rank of brigadier-general, to draw forage for only one horse. See 240.

as allowed to officers of the same grade in the mounted service.

XVII. ZOUAVES.

83. That there shall be added to the military establishment of the Confederate States one regiment of Zouaves, to be composed of one colonel, one lieutenant-colonel, one major, and ten companies; and each company shall consist of one captain, one first lieutenant, two second lieutenants, one sergeant-major, one quartermaster's sergeant, four sergeants and eight corporals, and ninety privates. And to the regiment there shall be attached one adjutant and a quartermaster, to be selected from the lieutenants. And one assistant surgeon shall be appointed for the regiment, in addition to those already authorized by law for the medical department. The monthly pay of the officers of the regiment of Zouaves shall be the same as that of officers of infantry of the same rank; the allowances shall also be the same as those provided by law for officers of infantry; and the adjutant and quartermaster shall receive ten dollars per month in addition to their pay as lieutenants. The monthly pay of the enlisted men of said regiment of Zouaves shall be as follows: sergeant-major and quartermaster's sergeants, twenty dollars; sergeants, seventeen dollars; corporals, thirteen dollars, and privates, eleven dollars each; together with the same rations and allowance for clothing as are received by all other enlisted men.

May 4, 1861
ch. 2.
Regiment
organized.

Pay.

II.—PROVISIONAL ARMY.

I. FORCES IN SERVICE OF THE SEVERAL STATES; HOW RECEIVED.

- 84. For not less than twelve months, unless sooner discharged.
- 85. By companies, battalions, or regiments.
- 86. Pay and allowances.
- 87. Troops tendered by the governors of states.

II. MILITIA AND MILITARY FORCES OF THE CONFEDERATE STATES, AND 100,000 VOLUNTEERS FOR TWELVE MONTHS.

- 88. President authorized to employ the militia, military, and naval forces of the Confederate States.

- 89. Militia to serve for six months.
- 90. Term of militia service not to apply to men furnished by the states for three years or the war.
- 91. Volunteers; how accepted.
- 92. Organization. Appointment of commanding officers of brigades and divisions.
- 93. Organization amended. Lieutenant-generals.
- 94. Organization further amended.
- 95. Pay and allowances. Horses killed in action.
- 96. Battalion officers. Additional second lieutenant to each company. Number of privates to a company.
- 97. Two field-officers for each battalion of six companies.
- 98. Assistant adjutants-general.

III. VOLUNTEERS FOR THE WAR.

- 99. President authorized to receive additional volunteers.
- 100. How accepted. Officers.
- 101. Vacancies.
- 102. Forces; how organized.
- 103. Subaltern of the line assigned as adjutant.
- 104. Volunteers accepted singly.
- 105. Officers; how appointed and chosen.
- 106. Vacancies in the ranks may be filled by volunteers. Recruiting. Transportation, subsistence, and bounty.
- 107. Officers appointed to raise troops. Muster, pay, etc., of troops.
- 108. Commissions of officers whose commands are fully organized.
- 109. Volunteers from states and districts in occupation of the enemy.
- 110. Appointment of major and brigadier-generals and other officers.

IV. VOLUNTEERS FOR SUCH TIME AS THE PRESIDENT MAY PRESCRIBE.

- 111. Preamble. Reception of troops.
- 112. How organized. Allowances. Service. Enlistment from states not of the Confederacy.
- 113. Commissions of officers. Supernumerary officer to each company.

V. 400,000 VOLUNTEERS FOR NOT LESS THAN TWELVE MONTHS, NOR MORE THAN THREE YEARS.

- 114. Militia, military, and naval forces of the Confederate States to be employed. 400,000 volunteers for not less than twelve months, nor more than three years.
- 115. How organized. Pay and allowances.
- 116. Act; how construed.
- 117. Companies with less than the minimum number of men.

VI. REQUISITION UPON THE STATES FOR TROOPS.

- 118. Troops for three years or the war.
- 119. How proportioned among the states.

VII. BOUNTY; FURLONGS; ELECTION OF COMPANY OFFICERS, AND OTHER PRIVILEGES.

- 120. Bounty for those serving three years or for the war.
- 121. Furloughs and transportation. Commutation.
- 122. Troops entitled to the benefit of the act.
- 123. Reorganization of companies. Election of officers. Vacancies. State troops in Confederate States service.
- 124. Provisions of Bounty act extended.
- 125. Date of rank of certain officers.
- 126. Bounty; when payable.
- 127. Bounty due deceased and discharged soldiers.
- 128. Bounty of one hundred dollars.

VIII. RECRUITING.

129. For three years or the war.
130. Detail of officers.
131. Companies in service for twelve months. Election of officers. Promotion.
132. Detail of officers. Bounty, etc.
133. Regiments, etc., reorganized.
134. Companies organized by re-enlisted twelve months' volunteers.
135. When companies may be united.
136. Rules.
137. Officers to raise volunteers from Kentucky, Missouri, Maryland, or Delaware.
138. Recruiting stations for volunteers from Kentucky, Missouri, Maryland, and Delaware.
139. Officers to raise and command companies of such volunteers.
140. Organization of companies.
141. Compensation to recruits.
142. Maryland Line.

IX. CONSCRIPTION.

143. Preamble. All white men between eighteen and thirty-five years of age. Continuance in service of those now in the army. Reorganization of companies, etc. Furloughs. Commutation. All under eighteen and over thirty-five, now enrolled.
144. All white men between the ages of thirty-five and forty-five. Who to be first called out. Disposition of those called into service. Suspension of this act and that of April 16, 1862, in certain localities.
145. Enrolment of conscripts wherever found. State military organizations. Suspension of this act in certain localities.
146. Companies, etc., in process of organization.
147. Officers to make enrolment.
148. Assignment of persons enrolled.
149. Seamen, transfer of.
150. Idem.
151. Reserves. When subject to the Rules and Articles of War. Reserves, when to be called into the service; organization; election of officers.
152. Bounty.
153. Private arms to be paid for.
154. Substitutes.
155. Substitute system abolished.
156. Principals liable to service.
157. Vacancies; how filled.
158. Idem.
159. Election of officers of regiments composed of twelve months and war companies combined.
160. Rank and file to each company.
161. Privilege of volunteering.
162. Regiments or battalions organized prior to October 1, 1862.
163. Regiments or battalions organized of conscripts in states west of the Mississippi river.
164. To elect their officers.
165. Infantry raised prior to December 1, 1862, in Middle and West Tennessee.
166. Of all white men between seventeen and fifty.
167. Present organization to be preserved.
168. Persons heretofore discharged. Persons who have furnished substitutes.
169. Time and places of enrolment.
170. Voluntary organizations. Rendezvous.
171. Failure to attend at rendezvous.
172. Employees of Quartermaster and Commissary departments, etc.
173. Penalty for violating provisions of foregoing section.

- 174. Details.
- 175. Local boards of surgeons.

X. CAMPS OF INSTRUCTION.

- 176. Established.

XI. EMPLOYMENT OF NEGROES.

- 177. Male free negroes. Rations, clothing, and compensation. Exemptions.
- 178. Male negro slaves. Rations, clothing, and wages. In case of loss of slave.
- 179. When male slaves may be impressed.

XII. EXEMPTION.

- 180. What persons are exempted.
- 181. Officers of the Confederate and State governments. State troops. Railroad, telegraph, and boat employees. Printers and publishers of newspapers. Ministers of religion and others. Physicians. Mechanics. Proviso. Superintendents of hospitals and others. Apothecaries. Teachers. Employees for the manufacture of arms, etc. Proviso. Shipbuilders. Miners of salt, iron, and lead. Stock-raisers. Owners or overseers on plantations of twenty negroes. Duration of exemptions.
- 182. Repeal of Exemption act of April 21, 1862.
- 183. Repeal of so much of the act of October 11, 1862, as relates to the exemption of persons on plantations.
- 184. For the police and management of slaves.
- 185. For the production of grain and provisions.
- 186. State officers exempted by the governor.
- 187. Mail contractors.
- 188. Drivers of mail-coaches, etc.
- 189. Repeal of former laws. Who exempt from service. Persons unfit for service. Certain Confederate and State officers. Ministers of religion, editors, etc., etc. Overseers, etc. Exemption or details for production of grain or provisions. Officers and employees of certain railroad companies. Mail contractors.

XIII. RENDEZVOUS.

- 190. For examination of persons enrolled.
- 191. Board of examination.
- 192. Absence of enrolled persons on account of sickness.

XIV. LOCAL DEFENCE AND SPECIAL SERVICE.

- 193. Defence of exposed localities.
- 194. Muster-roll to set forth the services. Pay.
- 195. How organized. Field-officers.
- 196. Companies composed of persons not liable to military duty. Muster-roll. Persons of any age in certain states may form part of such companies. Oath of allegiance.
- 197. Armed vessels for seaboard and general defence.
- 198. Corps for service on the western waters.
- 199. Floating defences for Mississippi river.
- 200. Appropriation for defence of Bay of Mobile.
- 201. Corps for defence of Bay of Mobile and Alabama river.

XV. QUARTERMASTER, COMMISSARY, AND MEDICAL DEPARTMENTS.

- 202. Appointment of additional officers for service with militia or volunteers.
- 203. Additional quartermasters and commissaries for permanent posts and depots.

204. Persons liable to military service not to be appointed as clerks.
Details for service.
205. Date of rank and pay.
206. Settlement of claims.
207. Surgeons for hospitals.
208. Office of regimental commissary abolished.
209. Commissary-sergeants.
210. Supplies; how drawn by regimental quartermasters acting as commissaries.
211. Sales; how to be made.
212. Quartermasters and commissaries permanently detached.
213. Orders to be issued by Secretary of War.
214. Repeal of conflicting laws.
215. Public moneys not to be invested in property on private account, nor loaned.
216. Officers not to traffic nor speculate in articles of food, clothing, materials of war, etc.
217. Receipts in blank prohibited. What receipts shall state.
218. Transportation of private property.
219. Penalty on conviction before a court-martial or military court.
220. Indictment, fine, and imprisonment. Civil remedy. Peace officers to have power of commitment. Charge to grand juries.

XVI. SUPPLIES, CLOTHING, AND PROVISIONS.

221. Volunteers to furnish their own clothing.
222. Money in lieu of clothing.
223. Twenty-one dollars in lieu of six months' clothing. Price of clothing received, to be deducted.
224. Clothing to be furnished to the entire forces of the Confederate States. Clothing furnished by the states to be paid for.
225. Clothing; when furnished by the troops.
226. Law providing commutation for clothing. Repealed. Clothing in kind.
227. Importation of machinery and materials for manufacture of clothing or shoes.
228. Machinery may be worked, or leased, or sold.
229. Privileges extended to companies or individuals.
230. Color and quality of clothing.
231. Detail of persons for manufacture of shoes.
232. Pay.
233. Militia; commutation for clothing.
234. Claims for commutation; how settled.
235. Purchase of steamer, and supplies of leather, shoes, etc.
236. Bread in lieu of flour. Fresh vegetables.
237. Private contributions.
238. Rations to officers.
239. Purchase of clothing and cloth.
240. Limitation as to forage.
241. Rations of tobacco for enlisted men.

XVII. TRANSPORTATION.

242. Mileage in lieu of travelling pay, subsistence, forage, and undrawn clothing. Proviso.
243. For persons to whom furloughs have been allowed.

XVIII. COOKS AND NURSES.

244. Employment of.
245. Appropriation.
246. Cooks for the use of companies; their duties.
247. Cooks may be white or black, free or slave. Pay.

XIX. CHAPLAINS.

248. Appointment of.
249. Pay.

- 250. Pay reduced.
- 251. Rations.
- 252. Pay and rations.
- 253. Forage allowed.

XX. ENGINEERS AND ENGINEER TROOPS.

- 254. Appointment, rank, pay, and emoluments of officers of engineers.
- 255. Additional officers.
- 256. Number of officers in each grade limited.
- 257. Additional officers.
- 258. One company of engineer troops for each division of infantry.
- 259. Of what to consist.
- 260. Commissioned officers. Original vacancies; how filled.
- 261. Organization into regiments. Field and staff officers. Original vacancies; how filled.
- 262. Pontoniers.
- 263. Wagons, pontoons, tools, arms, etc.
- 264. Vacancies in established regiments; how filled.
- 265. Pay of officers.
- 266. Pay of enlisted men.
- 267. Mounted troops.
- 268. Quartermaster's sergeants.
- 269. One company of troops from every twelve regiments of infantry.
- 270. Of what to consist.
- 271. Commissioned officers. Original vacancies.
- 272. Organization into regiments.
- 273. Pontoniers.
- 274. Wagons, pontoons, arms, etc.
- 275. Vacancies in established regiments.
- 276. Pay of officers.
- 277. Of enlisted men.
- 278. Mounted troops.
- 279. Transfer of troops.

XXI. ARTILLERY.

- 280. Light artillery.
- 281. Heavy artillery.
- 282. All companies of light and heavy artillery.
- 283. Officers of artillery.
- 284. Officers increased. Ordnance duties.
- 285. Officers further increased for ordnance duties.

XXII. MILITARY STOREKEEPERS OF ORDNANCE.

- 286. Appointment, number, and pay.
- 287. First-class to give bonds. Eligibility.
- 288. Number increased.

XXIII. PARTISAN RANGERS.

- 289. Officers to form bands of partisan rangers.
- 290. Pay, rations, etc., of partisan rangers.
- 291. Arms and munitions of war captured.
- 292. Former act repealed. Cavalry.
- 293. Merged into army organization.
- 294. Certain companies excepted.

XXIV. SHARP-SHOOTERS.

- 295. Battalion for each brigade. How armed and organized. Officers.
- 296. Arms; whence obtained.

XXV. PIKEMEN.

- 297. Organization.
- 298. To serve as infantry. Vacancies in the companies armed with fire-arms.
- 299. Copies of this act to be furnished to every general.

XXVI. SIGNAL CORPS.

- 300. Corps organized.
- 301. Corps increased.

XXVII. DRILL-MASTERS.

- 302. Preamble. Honorable discharge.
- 303. For camps of instruction and reserve forces.

XXVIII. BUGLERS AND MUSICIANS.

- 304. Appointment of.
- 305. Pay of colored musicians.

XXIX. DISQUALIFIED, DISABLED, AND INCOMPETENT OFFICERS.

- 306. Examining board. Duties.
- 307. Decisions of the board and report of its proceedings.
- 308. Secretary of War's approval. President's authority.
- 309. Monthly reports of the conduct of commissioned officers.
- 310. Vacancies; how filled, where officers are dropped or honorably retired.

XXX. INVALID CORPS.

- 311. Retirement or discharge of persons disabled by service.
- 312. Examination before medical board.
- 313. Periodical examination.
- 314. Assignment to suitable duty.
- 315. Rules.
- 316. Vacancies.
- 317. Act to be enforced.

XXXI. RETIREMENT OF OFFICERS.

- 318. When incompetent or without commands.

XXXII. DRUNKENNESS.

- 319. Penalty for.
- 320. Report of cases. Trial.
- 321. Findings of courts.
- 322. Jurisdiction conferred on military courts and general courts-martial.
- 323. Any citizen may report violations of the act.
- 324. Intemperate habits. Penalty.

XXXIII. ABSENCE WITHOUT LEAVE.

- 325. Soldiers absent without leave not to receive pay.
- 326. Length of absence to be stated on pay and muster-rolls, and pay for such time to be deducted.
- 327. Officers to certify on honor as to absence. Certificate of commanding officers of companies.
- 328. As to other penalties.

XXXIV. PUNISHMENT BY WHIPPING PROHIBITED.

- 329. Soldiers not to be punished by whipping.
- 330. Article of War "twenty" amended.

XXXV. DETAILED SOLDIERS AND TRANSFER OF TROOPS.

- 331. Pay as clerks increased to one dollar per day.
- 332. Pay increased to three dollars per day in lieu of rations and allowances.

- 333. Duration of the act.
- 334. Extended.
- 335. Increase of pay.
- 336. Transfer of troops to regiments from their own states.
- 337. Transportation.

XXXVI. PAY AND ALLOWANCES DUE DECEASED SOLDIERS.

- 338. To whom payment shall be made.
- 339. Mode of payment.
- 340. When payment may be made without producing pay-roll.
- 341. Claims of deceased commissioned officers.
- 342. Clerks to assist in settling claims.
- 343. Clerks to be employed for twelve months.
- 344. Employment continued until otherwise provided by Congress.
- 345. State agents.

XXXVII. MILITARY COURTS.

- 346. One to each army corps. To consist of three members. Judge Advocate.
- 347. Provost marshal and clerk. Oath of members and officers of the court.
- 348. Rules of court.
- 349. Jurisdiction of each court.
- 350. Courts shall attend the army. Decisions and sentences.
- 351. Appointments during recess of Senate.
- 352. Additional military court in each department.
- 353. One in North Alabama.
- 354. Additional courts for divisions of cavalry, and for each state.
- 355. When two or more army corps are united. Jurisdiction.
- 356. Assignment and transfer of members and officers.
- 357. Jurisdiction extended.
- 358. Transfer of judges.
- 359. Act; when to take effect.
- 360. Field-officers may be detailed as members.
- 361. Summons of witnesses. Penalty for disobeying summons.
- 362. Pay for attendance on court.

XXXVIII. INDIAN TROOPS.

- 363. Payment for services. Allowance in lieu of clothing; to whom paid.
- 364. Accounts of acting commissaries and quartermasters of said troops; how to be settled.
- 365. Articles furnished by Jones and Thebo and R. M. Jones.

XXXIX. VIRGINIA MILITIA.

- 366. Compensation allowed officers for period of actual service.
- 367. Certificates of service required.
- 368. Pay of staff officers.
- 369. No payments to be made in certain cases.

XL. MISCELLANEOUS.

- 370. Twenty general officers.
- 371. General for trans-Mississippi department.
- 372. Additional lieutenant-generals.
- 373. Rank; how long to continue.
- 374. Adjutants of regiments and legions of the grade of subaltern.
- 375. Adjutants for battalions of the grade of subaltern.
- 376. Minors may be commissioned.
- 377. Officers or soldiers elected to certain civil offices.
- 378. Loss of muster-rolls. Proof of service.
- 379. Oath to enable sick and other soldiers to receive pay.

- 380. Army intelligence-office.
- 381. Medals and badges.
- 382. Promotion for peculiar value or skill.
- 383. Repeal of conflicting laws.
- 384. Cavalry equipments.
- 385. Horses of, purchased by order of Colonel Angus W. McDonald.
- 386. Procuring or enticing soldiers to desert. Purchase of arms, clothing, etc., from soldiers.
- 387. Officers or privates to be paid for performance of staff duty.

I. FORCES IN SERVICE OF THE SEVERAL STATES ; HOW RECEIVED.

84. That the President be authorized to receive into the service of this government such forces now in the service of said states as may be tendered or who may volunteer, by consent of their state, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

Feb. 28, 1861
§ 3, ch. 22.
For not less than twelve months, unless sooner discharged.

85. That such forces may be received, with their officers, by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment; and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers for said forces as may be necessary for the service.

Ibid, § 4.
By companies, battalions, or regiments.

86. That said forces, when received into the service of this government, shall have the same pay and allowances as may be provided by law for volunteers entering the service, or for the Army of the Confederate States [67 to 77], and shall be subject to the same rules and government.

Ibid, § 5.
Pay and allowances.

87. That the President be and he is hereby authorized to accept the services of any companies, squadrons, battalions, or regiments which have been organized and are now in service under the authority of any of the states of the Confederacy, and which may be tendered by the governors of said states, with an organization conforming to the act of March sixth, A.D. eighteen hundred and sixty-one, "to provide for the public defence" [91, 92, 95, 96].

April 21,
1862, ch. 73.
Troops tendered by the governors of states.

II. MILITIA* AND MILITARY FORCES OF THE CONFEDERATE STATES, AND 100,000 VOLUNTEERS FOR TWELVE MONTHS.

March 6,
1861, § 1,
ch. 26.
President
authorized
to employ
the militia,
military and
naval forces
of the Con-
federate
States.

88. That in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each state, and to secure the public tranquillity and independence against threatened assault, the President be and he is hereby authorized to employ the militia, military, and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding one hundred thousand, who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months [118] after they shall be mustered into service, unless sooner discharged.

Volunteers
for twelve
months.

Ibid, § 2.
Militia to
serve for six
months.

89. That the militia, when called into service by virtue of this act or any other act, if in the opinion of the President the public interest requires, may be compelled to serve for a term not exceeding six months after they shall be mustered into service, unless sooner discharged.

Jan. 29, 1862
ch. 58.
Term of
militia ser-
vice not to
apply to men
furnished by
the states
for three
years or the
war.

90. That the act entitled "An act to provide for the public defence," approved sixth of March, eighteen hundred and sixty-one, be and the same is hereby so amended that the provisions of the second section of said act [89], limiting the term for which the militia may be called into service to a period not exceeding six months, shall not apply to men drafted into service by the several states, and furnished by said states to the President for service for three years or during the war, in response to requisitions made upon said states according to law.

March 6,
1861, § 5,
ch. 26.
Volunteers;
how accept-
ed.

91. That the said volunteers [88], so offering their services, may be accepted by the President in companies, squadrons, battalions, and regiments, whose officers shall be appointed in the manner prescribed by

* For Virginia militia, see XXXIX, 366. See also 114, 115. For commutation for clothing for militia, see 233.

law in the several states to which they shall respectively belong; but when inspected, mustered, and received into the service of the Confederate States, said troops shall be regarded in all respects as a part of the army of said Confederate States, according to the terms of their respective enlistments.

92. That the President is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, whenever in his judgment such organization may be expedient; and whenever brigades or divisions shall be organized, the President shall appoint the commanding officers for such brigades and divisions, subject to the confirmation of Congress, who shall hold their offices only while such brigades and divisions are in service; and the President shall, if necessary, apportion the staff and general officers among the respective states from which the volunteers shall tender their services, as he may deem proper.

Ibid., § 6.
Organization.

Appointment of commanding officers of brigades and divisions.

93. That the sixth section of the act to provide for the public defence, approved on the sixth of March, eighteen hundred and sixty-one [92], be amended by adding after the words "brigades into divisions," the words "and divisions into army corps," and each army corps shall be commanded by a lieutenant-general,* to be appointed by the President, by and with the advice and consent of the Senate, who shall receive the pay of a brigadier-general [67].

Sept. 18, 1862, ch. 3.
Organization amended.

Lieutenant-generals.

94. That the sixth section of an act to provide for the public defence, approved March sixth, eighteen hundred and sixty-one [92], be so amended as to authorize the President to organize divisions of the Provisional Army of the Confederate States into army corps, and, by and with the advice and consent of the Senate, to appoint officers to the command thereof.

Oct. 6, 1862
ch. 26.
Organization further amended.

March 6, 1861, § 7,
ch. 26.

95. That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall have

Pay and allowances.

* Lieutenant-generals to command military departments authorized, 372.

the same organization, and shall have the same pay and allowances as may be provided for the regular army [67 to 77]; and all mounted non-commissioned officers, privates, musicians, and artificers shall be allowed forty cents per day for the use and risk of their horses; and if any volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot. For horses killed in action, volunteers shall be allowed compensation according to their appraised value at the date of muster into service.

Horses killed in action.

Ibid. § 8.
Battalion officers.

96. That the field and staff officers of a separate battalion of volunteers shall be one lieutenant-colonel or major, one adjutant with the rank of lieutenant, one sergeant-major, one quartermaster-sergeant, and a chief bugler or principal musician, according to corps; and that each company shall be entitled to an additional second lieutenant; and that the President may limit the privates in any volunteer company, according to his discretion, at from sixty-four to one hundred.

Additional second lieutenant to each company.

Number of privates to a company.

Aug. 2, 1861
§ 1, ch. 8.
Two field-officers for each battalion of six companies.

97. That the eighth section of the act of March 6, 1861, "to provide for the public defence" [96], be and the same is hereby so far amended that whenever battalions of volunteers in the service of the Confederate States shall consist of not less than six companies, there may be allowed, in the discretion of the President, to each battalion so constituted, two field-officers, one with the rank of lieutenant-colonel and the other with the rank of major.

Ibid. § 2.
Assistant adjutants-general.

98. That the President be and he is hereby authorized to appoint for the volunteer forces in the Confederate service as many assistant adjutants-general as the service may require, whose rank shall correspond with the rank of the assistant adjutants-general in the regular army, and who shall receive the same pay and allowances, according to their respective grades [72].

III. VOLUNTEERS FOR THE WAR.

May 8, 1861
§ 1, ch. 5.
President

99. That in addition to the volunteer force authorized to be raised under existing laws [84, 88], the Presi-

dent be and he is hereby authorized to accept the services of volunteers who may offer their services, without regard to the place of enlistment, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for and during the existing war, unless sooner discharged [109, 110].

authorized
to receive
additional
volunteers.

100. That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions, or regiments. The President shall appoint all field and staff officers, but the company officers shall be elected by the men composing the company; and if accepted, the officers so elected shall be commissioned by the President [109, 110].

Ibid. § 2.
How accept-
ed.

Officers.

101. That any vacancies [105] occurring in the ranks of the several companies mustered into service under the provisions of this act, may be filled by volunteers accepted under the rules of such companies; and any vacancies occurring in the officers of such companies shall be filled by elections in accordance with the same rules.

Ibid. § 3.
Vacancies.

102. Except as herein differently provided, the volunteer forces hereby authorized to be raised shall, in all regards, be subject to and organized in accordance with the provisions of "An act to provide for the public defence" [92 *et seq.*], and all other acts for the government of the Armies of the Confederate States.

Ibid. § 4.
Forces; how
organized.

103. That so much of the second section of the act entitled "An act to raise an additional military force to serve during the war," passed May eighth, eighteen hundred and sixty-one, be so amended as to authorize the President, on the application of any commanding officer of a regiment or battalion authorized by said act, to assign a subaltern of the line of the army to the duties of adjutant of said regiment or battalion [100].

May 21, 1861
ch. 40.
Subaltern of
the line as-
signed as
adjutant.

104. That volunteers offering their services under an act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one [100], may be accept-

Jan. 22, 1862
§ 1, ch. 46.
Volunteers
accepted
singly.

ed by the President singly as well as in companies, squadrons, battalions, or regiments.

Ibid, § 2.
Officers; how
appointed
and chosen.

105. In all appointments of officers raised under this act, the field and company officers shall be chosen and appointed in the manner prescribed by the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," approved December eleventh, eighteen hundred and sixty-one [123]; and all vacancies occurring in the said offices after the first election made under this act, as well as under the act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one [99], shall be filled by promotion, according to grade and seniority, as provided in the said act of eleventh December, eighteen hundred and sixty-one, except in case of disability or other incompetency: *Provided, however,* That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially distinguished by his commanding general for extraordinary merit, or some signal act of military skill or gallantry [157, 158, 310, 382].

Ibid, § 3.
Vacancies in
the ranks
may be filled
by volun-
teers.

106. Any vacancies occurring in the ranks of companies mustered into the Confederate service for three years or for the war, may be filled by volunteers; and the commander of each of said squadrons, battalions, or regiments organized as aforesaid, may detail one commissioned officer, and one non-commissioned officer, and one or more privates, from each company of his command, with the approval of the brigadier-general of the brigade to which said squadron, battalion, or regiment may be attached, to recruit men for said company: so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrolment, and shall be entitled to transportation and subsistence, or commutation of subsistence, till they join their respective companies, and to fifty dollars bounty, to be paid at the time of joining the same.

Recruiting.

Transporta-
tion, subsis-
tence, and
bounty.

Ibid, § 4.

107. The President be and he is hereby authorized

to appoint and commission persons as field-officers or captains, to raise regiments, squadrons, battalions or companies, and the individuals comprising the same shall be mustered at the time of enrolment, and be entitled to pay, transportation, and subsistence from the date of the organization of companies; but the officers so appointed by the President shall not be entitled to any pay or allowance until their respective commands be fully organized and reported to the Secretary of War; and said appointments shall expire if the officer appointed shall not, within a reasonable time, not to exceed two months for a company and four months for for a battalion, squadron, or regiment, report the corps authorized to be raised by him, organized and ready for duty: *Provided, nevertheless*, That every officer so commissioned for such purpose shall receive an appointment proportioned to the forces he recruits: And *provided, furthermore*, That no enlistments under the commission of captains shall be obligatory, unless the number be sufficient to constitute a company.

Officers appointed to raise troops.

Muster, pay, etc., of troops.

108. That the second section of the above recited-act [105], requiring the election of field and company officers by regiments and companies, shall not apply to companies, battalions, and regiments raised under the fourth section of said act [107]; but the officers appointed by the President to raise such companies, battalions, and regiments shall be the officers of the same; and the commissions of such officers granted by the President shall, when their respective commands are fully organized, be absolute.

Feb. 3, 1862
ch. 65.
Commissions of officers whose commands are fully organized.

109. That the first and second sections [99, 100] of the act to which this is an amendment are hereby declared to have full force and effect in those states and districts in which the President may, under the law, suspend the provisions of the acts providing for the enrolment of persons for military service, or when said acts can not be enforced by reason of the occupation of the enemy: *Provided*, That the troops received under the sections of said act shall be received for three years or for the war.

Oct. 11, 1862
§ 1, ch. 43.
Volunteers from states and districts in occupation of the enemy.

110. That the President may, in cases when, in his

Ibid, § 2.

Appoint-
ment of ma-
jor and bri-
gadier-gen-
erals, and
other offi-
cers.

opinion, the public interest requires that he should do so, appoint major and brigadier-generals, with their appropriate staff, and also the field, company, and staff officers to regiments, battalions, companies, or squadrons before the same are organized, by and with the advice and consent of the Senate; and if said regiments, battalions, companies, or squadrons are not reported as complete within a reasonable time, the President may, in his discretion, vacate the commissions of said officers, who shall be entitled to the pay of their respective grades from the date of their respective appointments until their commissions are vacated; and that companies of infantry shall consist of at least one hundred and twenty-five rank and file, companies of artillery of at least one hundred and fifty rank and file, and companies of cavalry of at least eighty rank and file.

IV. VOLUNTEERS FOR SUCH TIME AS THE PRESIDENT MAY PRESCRIBE.

May 11, 1861
§ 1. ch. 8.
Preamble.

111. Whereas, war exists between the United States and the Confederate States; and whereas the public welfare may require the reception of volunteer forces into the service of the Confederate States without the formality and delay of a call upon the respective States:

Reception of
troops.

The Congress of the Confederate States of America do enact, That the President be authorized to receive into service such companies, battalions, or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective states, to serve for such time as he may prescribe.

Ibid, § 2.
How organ-
ized.

112. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to

- all the provisions of the act entitled "An act to provide for the public defence" [91, 92, 95, 96], and be entitled to all the allowances provided therein; and when mustered into service may be attached to such divisions, brigades, or regiments as the President may

Allowances.

direct, or ordered upon such independent or detached service as the President may deem expedient: *Provided*, however, that battalions and regiments may be enlisted from states not of the Confederacy, and the President may appoint all or any of the field-officers thereof.

Service.

Enlistments
from states
not of the
Confederacy.

Ibid, § 3.
Commissions
of officers.

113. The President shall be authorized to commission all officers entitled to commissions, of such volunteer forces as may be received under the provisions of this act. And upon the request of the officer commanding such volunteer regiment, battalion, or company, the President may attach a supernumerary officer to each company (detailed from the regular army for that purpose) [21], and for such time as the President may direct.

Supernume-
rary officer
to each com-
pany.

V. 400,000 VOLUNTEERS FOR NOT LESS THAN TWELVE MONTHS, NOR MORE THAN THREE YEARS.

114. That, in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States of America, and to secure the independence of the Confederate States, the President be and he is hereby authorized to employ the militia, military, and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding four hundred thousand, who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportions of these several arms as he may deem expedient, to serve for a period of not less than twelve months, nor more than three years, after they shall be mustered into service, unless sooner discharged.

Aug. 8, 1861
§ 1, ch. 20.
Militia, mili-
tary, and
naval forces
of the C. S.
to be em-
ployed.

400,000 vol-
unteers for
not less than
12 months
nor more
than 3 years.

115. That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall be organized under the act of the 6th of March, 1861, entitled "An act to provide for the public defence" [91, 92, 95, 96], with the same pay and allowances of

Ibid, § 2.
How organ-
ized.

Pay and al-
lowances.

said act, and the same time for the service of the militia [89].

Ibid, § 3.
Act; how
construed.

116. Nothing in this act shall be construed to extend to or in anywise to alter any act heretofore passed, authorizing the President to receive troops offered directly to the Confederate States for the war, or for any less time.

April 19, 1862
ch. 57.
Companies
with less
than the
minimum
number of
men.

117. That in all cases heretofore occurring where companies, not having the minimum number of men necessary to form a company as required by existing laws, have been organized into companies which have entered into the service by order of a commanding general, or been received by such officer into the service, in all such cases the Secretary of War is hereby authorized and required to recognize said companies as if duly organized under existing laws, and the officers of said companies are hereby declared as entitled to the same rank to which they would have been entitled if the companies had been duly organized; and the officers and men thereof shall be entitled to draw their pay and rations as if they had been duly authorized under existing laws.

VI. REQUISITION UPON THE STATES FOR TROOPS.

Jan. 23, 1862
§ 1, ch. 50.
Troops for 3
years or the
war.

118. That the first section of the act of March sixth, eighteen hundred and sixty-one [88], be and is hereby so modified as to authorize the President to call upon the several states, in his discretion, for any number of troops, not exceeding, in the aggregate, the number heretofore authorized, to serve for the term of three years or during the war.

Ibid, § 2.
How propor-
tioned
among the
states.

119. In making such requisitions, the President shall take into consideration the number of troops from each state already enlisted for the war at the time of the requisition, and shall, as far as practicable, equalize the same among the states according to their respective white population.

VII. BOUNTY;* FURLONGHS; ELECTION OF COMPANY OFFICERS, AND OTHER PRIVILEGES.

120. That a bounty of fifty dollars be and the same is hereby granted to all privates, musicians, and non-commissioned officers in the Provisional Army, who shall serve continuously for three years or for the war, to be paid at the following times, to wit: To all now in the service for twelve months, to be paid at the time of volunteering or enlisting for the next two ensuing years subsequent to the expiration of their present term of service. To all now in the service for three years or for the war, to be paid at the expiration of their first year's service. To all who may hereafter volunteer or enlist for three years or for the war, to be paid at the time of entry into service [126].

Dec. 11, 1861
§ 1, ch. 9.
Bounty for
those serv-
ing 3 years
or for the
war.

121. That furloughs, not exceeding sixty days, with transportation home and back, shall be granted to all twelve months' men now in service who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service, or for three years or the war; said furloughs to be issued at such times and in such numbers as the Secretary of War may deem most compatible with the public interest; the length of each furlough being regulated with reference to the distance of each volunteer from his home: *Provided*, That in lieu of a furlough, the commutation value in money of the transportation herein above granted shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough itself would otherwise be granted.

Ibid, § 2.
Furloughs
and trans-
portation.

Commuta-
tion.

122. This act shall apply to all troops who have volunteered or enlisted for a term of twelve months or more in the service of any state, who are now in the service of the said state, and who may hereafter volunteer or enlist in the service of the Confederate States under the provisions of the present act.

Ibid, § 3.
Troops en-
titled to the
benefit of
the act.

* For bounty to enlisted men in regular army, see 78. To men recruited for three years or the war, 106, 132. To soldiers continued in service by Conscription act of 16th of April, 1862, see 152.

Ibid, § 4.
Reorganiza-
tion of com-
panies.

Election of
officers.

Vacancies.

State troops
in C. S. ser-
vice.

Feb. 3, 1862
ch. 62.
Provisions
of Bounty
act extend-
ed.

Feb. 15, 1862
ch. 78.
Date of rank
of certain
officers.

123. That all troops revolunteering or re-enlisting shall, at the expiration of their present term of service, have the power to reorganize themselves into companies and elect their company officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field-officers; and after the first election all vacancies shall be filled by promotion from the company, battalion, or regiment in which such vacancies may occur: *Provided*, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: And *provided, further*, That in the case of troops which have been regularly enlisted into the service of any particular state prior to the formation of the Confederacy, and which have by such state been turned over to the Confederate government, the officers shall not be elected, but appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.

124. That the provisions of the above-entitled act [120 *et seq.*], so far as the same are applicable to re-enlistment of twelve months' volunteers, be and the same are hereby extended to troops now in the service of any state for a term not less than three months, who may re-enlist in the service of the Confederate States according to provisions of said act for a term which, added to their present term of service, may amount to three years.

125. That the rank of commissioned officers of regiments, battalions, squadrons, and companies who continue in service by re-election in regiments, battalions, squadrons, or companies organized of troops re-enlisting under the act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army, approved December eleventh, eighteen hundred and sixty-one [123], and the act supplemental thereto, approved February third, eighteen hundred and sixty-two [124], or under the act to provide for the recruiting compa-

nies now in the service of the Confederate States for twelve months, approved January twenty-seventh, eighteen hundred and sixty-two [131 *et seq.*], shall date from the time of their original election or appointment: *Provided*, Such officers shall be re-elected or appointed to offices of the same grade in the same corps.

126. That the bounty of fifty dollars, allowed by existing laws to soldiers enlisting for the war, or re-enlisting for two years, or recruited, shall be payable [127] as soon as the volunteer entitled thereto shall have been sworn into the Confederate service, and shall have been pronounced by any surgeon or assistant surgeon of the Confederate States, after inspection, as being fit and able to do military service.

Feb. 17, 1862
ch. 88.
Bounty;
when payable.

127. That the above recited act [126] be so amended as to secure to all soldiers and non-commissioned officers who shall have entered the armies of the Confederate States for three years or during the war the bounty of fifty dollars, as therein provided, although such soldier or non-commissioned officer may have been killed in battle, died, or been honorably discharged before the expiration of the first year's service of his term, to be paid as other arrearages.

Oct. 11, 1862
ch. 44.
Bounty due
deceased and
discharged
soldiers.

128. That, at the expiration of six months from the first day of April next, a bounty of one hundred dollars, in a six per cent. government bond, which the Secretary of the Treasury is hereby authorized to issue, shall be paid to every non-commissioned officer, musician, and private who shall then be in the service, or, in the event of his death previous to the period of such payment, then to the person or persons who would be entitled by law to receive the arrearages of his pay; but no one shall be entitled to the bounty herein provided who shall, at any time during the period of six months next after the said first day of April, be absent from his command without leave.

Feb. 17, 1864
§ 3, ch.
Bounty of
one hundred
dollars.

VIII. RECRUITING.

129. That the Secretary of War be and he is hereby authorized to adopt measures for recruiting and en-

Dec. 19, 1861
§ 1, ch. 15.
For three

years or the war. listing men for companies in service for the war, or three years, which, by the casualties of the service, have been reduced by death and discharges.

Ibid. § 2.
Detail of officers.

130. That the Secretary of War be and he is hereby authorized to detail the company commissioned officers for the above duty in such numbers and at such times as in his opinion will best comport with the public service; the officers thus appointed to enlist and recruit for their respective companies.

Jan. 27, 1862
§ 1. ch. 55.
Companies in service for twelve months.

131. That all companies of volunteers, now in the service of the Confederate States under enlistment for the term of twelve months, may be recruited by enlisting or receiving volunteers for three years or the war, to a number not to exceed one hundred and twenty-five, rank and file, and companies so recruited shall, at the expiration of the term of service of the original company, elect their commissioned officers; and vacancies thereafter occurring in the commissioned offices of such companies shall be filled by promotion of said commissioned officers, except that vacancies in the lowest grade of such officers shall be filled by election.

Election of officers.

Promotion.

Ibid. § 2.
Detail of officers.

132. The colonel or commanding officer of the several regiments, battalions, and squadrons enlisted for twelve months as aforesaid, may detail one commissioned officer, and not exceeding two privates of each company, to recruit for their respective companies, and the officers and privates so detailed shall be entitled to transportation while so engaged, and the recruits so enlisted shall be entitled to pay, transportation, and subsistence from the time and place of enlistment, together with the sum of fifty dollars, as a bounty, upon joining their respective companies.

Bounty, etc.

Ibid. § 3.

133. The original volunteers in such companies, re-enlisting according to the terms of the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army" [120 *et seq.*], may re-enlist in and form part of the companies to be recruited as herein provided; and when all the companies composing the regiment, battalion, or squadron as afore-

said shall, by recruiting as aforesaid, or by re-enlistment and recruiting as aforesaid, have attained, at the date of the expiration of the term of service of the original companies, the number required by law for a company, the number and designation of such regiment, battalion, or squadron may continue, or such of said companies as are complete at that date may reorganize into new regiments, battalions, or squadrons, or attach themselves to other regiments, battalions, or squadrons; and in all such cases the field-officers shall be elected, and vacancies thereafter occurring in such field-offices shall be filled by promotion, as directed by the act aforesaid.

Regiments,
etc., reor-
ganized.

134. Companies organized by re-enlisted twelve months' volunteers, under the act aforesaid, may be recruited to the number of one hundred and twenty-five, in the manner prescribed in the second section of this act.

Ibid, § 4.
Companies
organized by
re-enlisted
twelve
months' vol-
unteers.

135. Where, at the date of the expiration of the term of service of the original company, the number of recruits and enlisted men may not amount to the minimum number required for a company, the recruited men may combine with recruits of other companies in like situation, so as to form complete companies; and in default of such combinations, the said recruits may be assigned or distributed to other companies from the state in which such recruits were enlisted.

Ibid, § 5.
When com-
panies may
be united.

136. The Secretary of War shall make all needful rules to carry into effect the foregoing provisions.

Ibid, § 6.
Rules.

137. That the President of the Confederate States be and he is hereby authorized to grant commissions to officers above the grade of captain to such persons as he may think fit to raise and command volunteer regiments and battalions for the service of the Confederate States, said regiments and battalions to be composed of persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland, or Delaware, and who have enlisted, or may enlist, under said officers; upon the condition, however, that such officers shall not hold rank or receive pay until such

Aug. 8, 1861
ch. 18. Offi-
cers to raise
volun-
teers from
Kentucky,
Missouri,
Maryland, or
Delaware.

regiments or battalions have been raised and are mustered into service.

Aug. 30, 1861
§ 1, ch. 52.
Recruiting
stations for
volunteers
from Ken-
tucky, Mis-
souri, Mary-
land, and
Delaware.

138. That the President be and he is hereby authorized to establish recruiting stations within the Confederate States for the reception of volunteers into the military service of the Confederate States from among persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland, and Delaware.

Ibid, § 2.
Officers to
raise and
command
companies of
such volun-
teers.

139. That the President be authorized to grant commissions as captains to such persons as he may think fit to raise and command companies to be composed of such volunteers; upon the condition, however, that such officers shall not hold rank or receive pay until such companies have been raised and are mustered into service.

Ibid, § 3.
Organiza-
tion of com-
panies.

140. Whenever such recruits shall amount to a sufficient number to be formed into companies, the President may direct the same to be so organized, appointing all commissioned officers of the several companies, in addition to the captains provided for in the preceding section; and such companies may be organized into regiments in like manner, under the direction of the President.

Ibid, § 4.
Compensa-
tion to
recruits.

141. Until such recruits shall amount to a sufficient number to be organized into companies, they shall receive no compensation except their clothing and rations

Feb. 15, 1862
ch. 76.
Maryland
Line.

142. That all native or adopted citizens of the State of Maryland who have heretofore volunteered, are now in, or may hereafter volunteer in the service of the Confederate States, may, at their option, be organized and enrolled into companies, squadrons, battalions, and regiments, and with the first Maryland regiment, and several companies now in service, into one or more brigades, to be known as the Maryland Line; said organization to be in accordance with existing laws.

IX. CONSCRIPTION.

143. In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore

April 16,
1862, § 1,
ch. 31.
Preamble.

The Congress of the Confederate States of America do enact, That the President be and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years, at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: *Provided, however*, That all such companies, squadrons, battalions, and regiments whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers which they had a right heretofore to elect, who shall be commissioned by the President [159]: *Provided, further*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," approved eleventh December, eighteen hundred and sixty-one [121]—said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: And *provided, further*, That in lieu of a furlough, the commuta-

All white men between eighteen and thirty-five years of age.

Continuance in service of those now in the army.

Reorganization of companies, etc.

Furloughs.

Commutation.

tion value in money of the transportation herein above granted shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: *Provided, further,* That all persons under the age of eighteen years or over the age of thirty-five years, who are now enrolled in the military service of the Confederate States in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be and the same are hereby repealed.

All under eighteen years and over thirty-five now enrolled.

Sep. 27, 1862
ch. 15. All white men between thirty-five and forty-five years of age.

144. That the President be and he is hereby authorized to call out and place in the military service of the Confederate States for three years, unless the war should have been sooner ended, all white men who are residents of the Confederate States, between the ages of thirty-five and forty-five years, at the time the call or calls may be made, and who are not, at such time or times, legally exempted from military service, or such part thereof as, in his judgment, may be necessary to the public defence—such call or calls to be made under the provisions and according to the terms of the act to which this is an amendment [143]; and such authority shall exist in the President during the present war as to all persons who now are or may hereafter become eighteen years of age, and when once enrolled, all persons between the ages of eighteen and forty-five shall serve their full time: *Provided,* That if the President, in calling out troops into the service of the Confederate States, shall first call for only a part of the persons between the ages hereinbefore stated, he shall call for those between the ages of thirty-five and any other age less than forty-five: *Provided,* That nothing herein contained shall be under-

Who to be first called out.

stood as repealing or modifying any part of the act to which this is amendatory, except as herein expressly stated: And *provided, further*, That those called out under this act, and the act to which this is an amendment, shall be first and immediately ordered to fill to their maximum number the companies, battalions, squadrons, and regiments from the respective states at the time the act to further provide for the public defence, approved sixteenth April, one thousand eight hundred and sixty-two, was passed, and the surplus, if any, shall be assigned to organizations formed from each state since the passage of that act, or placed in new organizations to be officered by the state having such residue, according to the laws thereof, or disposed of as now provided by law: *Provided*, That the President is authorized to suspend the execution of this act, or the act to which this is an amendment [143], in any locality where he may find it impracticable to execute the same, and that in such locality, and during said suspension, the President is authorized to receive troops into the Confederate service under any of the acts passed by the Confederate Congress prior to the passage of the act to provide further for the public defence, approved sixteenth April, one thousand eight hundred and sixty-two.

Disposition of those called into service.

Suspension of this act and that of April 16, 1862, in certain localities.

145. That all persons subject to enrolment for military service may be enrolled under instructions from the War department, and reported by the enrolling officer wherever found, whether within the state or county of their residence or not; and when so enrolled shall be subject to the provisions of law as fully as if enrolled within the county and state of which they may be residents: *Provided*, That this act shall not extend to any member of a military organization under any state law while he remains in actual service within the limits of his state: And *provided, further*, That the President is authorized to suspend the execution of this act as regards the residents of any locality where he may find it impracticable to execute the act entitled "An act to further provide for the public defence," approved April sixteenth, eighteen

Oct. 8, 1862 ch. 34. Enrolment of conscripts wherever found.

State military organizations.

Suspension of this act in certain localities.

hundred and sixty-two [143], and the act to amend the last mentioned act, approved September twenty-seventh, eighteen hundred and sixty-two [144].

April 16.
1862, § 2.
ch. 31.
Companies,
etc., in proc-
ess of or-
ganization.

146. That such companies, squadrons, battalions, or regiments organized, or in process of organization, by authority from the Secretary of War, as may be, within thirty days from the passage of this act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

Ibid. § 3.
Officers to
make enrol-
ment.

147. That for the enrolment of all persons comprehended within the provisions of this act, who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the governors of the respective states, to employ state officers, and on failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrolment in accordance with rules and regulations to be prescribed by him.

Ibid. § 4.
Assignment
of persons
enrolled.

148. That persons enrolled under the provisions of the preceding section shall be assigned by the Secretary of War to the different companies now in the service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the states from which they respectively come.

Ibid. § 5.
Seamen;
transfer of.

149. That all seamen and ordinary seamen in the land forces of the Confederate States, enrolled under the provisions of this act, may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

May 1, 1863
ch. 68.
Idem.

150. That all persons serving in the land forces of the Confederate States who shall desire to be transferred to the naval service, and whose transfer as seamen or ordinary seamen shall be applied for by the

Secretary of the Navy, shall be transferred from the land to the naval service: *Provided*, That nothing in this act shall be so construed as to alter or repeal any law now in force limiting the number of seamen [573].

151. That in all cases where a state may not have in the army a number of regiments, battalions, squadrons, or companies sufficient to absorb the number of persons subject to military service under this act, belonging to such state, then the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of no greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: *Provided*, That the persons held in reserve may remain at home until called into service by the President: *Provided, also*, That during their stay at home they shall not receive pay: *Provided, further*, That the persons comprehended in this act shall not be subject to the Rules and Articles of War until mustered into the actual service of the Confederate States; except that said persons, when enrolled and liable to duty, if they shall wilfully refuse to obey said call, each of them shall be held to be a deserter and punished as such, under said Articles: *Provided, further*, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section four [148] of this act; said reserve shall be organized under such rules as the Secretary of War may adopt: *Provided*, The company, battalion, and regimental officers shall be elected by the troops composing the same: *Provided*, The troops raised in any one state shall not be combined in regimental, battalion, squadron, or company organization with troops raised in any other states.

152. That all soldiers now serving in the army, or mustered in the military service of the Confederate States, or enrolled in said service under the authoriza-

April 16.
1862, § 6,
ch. 31.
Reserves.

When sub-
ject to the
Rules and
Articles of
War.

Reserves:
when to be
called into
service.

Organiza-
tion.

Election of
officers.

Ibid, § 7.
Bounty.

tions heretofore issued by the Secretary of War, and who are continued in the service by virtue of this act, who have not received the bounty of fifty dollars allowed by existing laws [120], shall be entitled to receive said bounty.

Ibid, § 8.
Private arms
to be paid
for.

153. That each man who may hereafter be mustered into service, and who shall arm himself with a musket, shot-gun, rifle, or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer, under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same, and if he is not, then he shall be entitled to receive one dollar a month for the use of said received and approved musket, rifle, shot-gun, or carbine.

Ibid, § 9.
Substitutes.

154. That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

Dec. 28, 1863
ch. 3.
Substitute
system abol-
ished.

155. That no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service, nor shall any substitute be received, enlisted, or enrolled in the military service of the Confederate States.

Jan. 5, 1864
ch. 4.

156. Whereas, in the present circumstances of the country, it requires the aid of all who are able to bear arms :

Principals
liable to ser-
vice.

The Congress of the Confederate States of America do enact, That no person shall be exempted from military service by reason of his having furnished a substitute ; but this act shall not be so construed as to affect persons who, though not liable to render military service, have, nevertheless, furnished substitutes.

April 16,
1862, § 10,
ch. 31.
Vacancies ;
how filled.

157. That all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur, by promotion according to seniority, except in case of disability or other incompetency : *Provided, however,* That the President may, when in his opinion it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates from such

company, battalion, squadron, or regiment who shall have been distinguished in the service by exhibition of valor and skill [105, 382, 310]; and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: *Provided*, That all appointments made by the President shall be by and with the advice and consent of the Senate.

158. That all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur, by promotion, according to seniority, except in case of disability or other incompetency; and that whenever a vacancy shall occur in the lowest grade of commissioned officers of a company, such vacancies shall be filled by election: *Provided, however*, That the President may, when in his opinion it is proper, fill any vacancy by the promotion of any officer from any company, battalion, squadron, or regiment in which the same may occur, who shall have been distinguished in service by the exhibition of extraordinary valor and skill [105, 382, 310]; and that when any vacancy shall occur in the lowest grade of commissioned officers of any company, the same may be filled by selection by the President of any non-commissioned officer or private from the company in which said vacancy may occur, who shall have been distinguished in the service by the exhibition of extraordinary valor and skill; and that appointments made by the President shall be by and with the advice and consent of the Senate.

April 21,
1862, ch. 75.
Idem.

159. That the provisions of the first section [143] of this act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve months' and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.

April 16,
1862, § 11,
ch. 31.
Election of
officers of
regiments
composed of
twelve
months'
and war
companies
combined.

160. That each company of infantry shall consist of one hundred and twenty-five, rank and file; each company of field artillery of one hundred and fifty, rank and file; each of cavalry, of eighty, rank and file.

Ibid. § 12.
Rank and
file to each
company.

Ibid. § 13.
Privilege of
volunteering.

161. That all persons subject to enrolment, who are not now in the service under the provisions of this act, shall be permitted, previous to such enrolment, to volunteer in companies now in the service.

Oct. 11, 1862
§ 1, ch. 39.
Regiments
or battalions
organized
prior to Oc-
tober, 1862.

162. That the President be and he is hereby authorized and empowered, whenever in his opinion the public good would be promoted thereby, to receive into the service regiments or battalions which have been organized in good faith prior to the first day of October, eighteen hundred and sixty-two, under authority or by direction of the Secretary of War, or any general officer of the government, although said regiments or battalions may be composed in part of persons between the ages of eighteen and thirty-five years: *Provided*, That this authority shall not extend to regiments or battalions organized after the said first day of October, eighteen hundred and sixty-two, except in those states and locations where the conscript law may be suspended.

Ibid. § 2.
Regiments
or battalions
organized of
conscripts in
states west
of Mississip-
pi river.

163. That the President be and he is hereby authorized and empowered, whenever in his opinion it would promote the public good, to receive into service regiments or battalions which have been heretofore organized of conscripts by a general officer in any of the states lying west of the Mississippi river. [164].

April 16,
1863. § 1,
ch. 30.
To elect
their officers

164. That the second section [163] of the act entitled "An act to authorize the President to accept and place in the service certain regiments and battalions heretofore raised," approved on the eleventh day of October, in the year one thousand eight hundred and sixty-two, shall not be so construed as to authorize any general officer to appoint any of the officers of said regiments and battalions. That said regiments and battalions shall have the right, within ninety days, on a day to be fixed by the commander of the brigade for that purpose, to *elect* such officers as volunteers have heretofore been authorized to elect: *Provided*, That this act shall not apply to any case where such office has heretofore been filled by election.

Oct. 11, 1862
§ 3, ch. 39.
Infantry

165. That all companies, battalions, and regiments of infantry raised or organized before the first day of

December next within the limits of Middle and West Tennessee, to be composed of residents of said districts, may be accepted by the President when, in his opinion, the public interest will be promoted thereby, and said troops shall be allowed to elect their own officers for the first election, after which all vacancies shall be filled by the President under the act, and the acts amendatory of the same, providing for the public defence, passed sixteenth of April, eighteen hundred and sixty-two, and also such counties in North Carolina lying east of the line of the Wilmington and Weldon railroad as are beyond the lines of the army and exposed to the incursions of the enemy.

raised prior to Dec. 1, 1862, in Middle and West Tennessee.

166. That from and after the passage of this act all white men, residents of the Confederate States, between the ages of seventeen and fifty, shall be in the military service of the Confederate States for the war.

Feb. 17, 1864
§ 1, ch. 65.
Of all white men between seventeen and fifty.

167. That all the persons aforesaid, between the ages of eighteen and forty-five, now in service, shall be retained, during the present war with the United States, in the same regiments, battalions, and companies to which they belong at the passage of this act, with the same organization and officers, unless regularly transferred or discharged, in accordance with the laws and regulations for the government of the army : *Provided*, That companies from one state, organized against their consent, expressed at the time, with regiments or battalions from another state, shall have the privilege of being transferred to organizations of troops in the same arm of the service from the state in which said companies were raised ; and the soldiers from one state in companies from another state shall be allowed, if they desire it, a transfer to organizations from their own state in the same arm of the service.

Ibid, § 2.
Present organizations to be preserved.

Proviso.

168. That no person shall be relieved from the operation of this act by reason of having been heretofore discharged from the army, where no disability now exists, nor shall those who have furnished substitutes be any longer exempted by reason thereof : *Provided*, That no person heretofore exempted on account of religious opinions, and who has paid the tax levied to

Ibid, § 4.
Persons heretofore discharged.

Persons who have furnished substitutes.

relieve him from service, shall be required to render military service under this act [181].

Ibid, § 5.
Time and
place of en-
rolment.

169. That all white male residents of the Confederate States, between the ages of seventeen and eighteen and forty-five and fifty years, shall enroll themselves, at such times and places, and under such regulations as the President may prescribe, the time allowed not being less than thirty days for those east, and sixty days for those west of the Mississippi river; and any person who shall fail so to enroll himself, without a reasonable excuse therefor, to be judged of by the President, shall be placed in service in the field for the war in the same manner as though he were between the ages of eighteen and forty-five: *Provided*, That the persons mentioned in this section shall constitute a reserve for state defence and detail duty, and shall not be required to perform service out of the state in which they reside.

Ibid, § 6.
Voluntary
organiza-
tions.

170. That all persons required by the fifth section of this act to enroll themselves may, within thirty days after the passage hereof, east of the Mississippi river, and within sixty days if west of said river, form themselves into voluntary organizations of companies, battalions, or regiments, and elect their own officers—said organizations to conform to the existing law; and having so organized, to tender their services as volunteers during the war to the President; and if such organization shall furnish proper muster-rolls, as now required, and deposit a copy thereof with the enrolling officer of their district (which shall be equivalent to enrolment), they may be accepted as minute-men for service in such state, but in no event to be taken out of it. Those who do not so volunteer and organize, shall enroll themselves as before provided, and may, by the President, be required to assemble at places of rendezvous, and be formed into companies, battalions, and regiments under regulations to be prescribed by him, and shall have the right to elect their company and regimental officers; and all troops organized under this act for state defence shall be entitled, while in actual service, to the same pay and allowances as troops now in the field.

Rendezvous.

171. That any person who shall fail to attend at the place of rendezvous, as required by the authority of the President, without a sufficient excuse, to be judged of by him, shall be liable to be placed in service in the field for the war as if he were between the ages of eighteen and forty-five years.

Ibid, § 7.
Failure to attend at rendezvous.

172. That hereafter the duties of provost and hospital guards and clerks, of clerks, guards, agents, employees or laborers in the Commissary's and Quartermaster's departments, in the Ordnance department, and clerks and employees of Navy Agents, as also in the execution of the Enrolment acts, and all similar duties, shall be performed by persons who are within the ages of eighteen and forty-five years, and who, by the report of a board of army surgeons, shall be reported as unable to perform active service in the field, but capable of performing some of the above-named duties, specifying which; and when those persons shall have been assigned to those duties as far as practicable, the President shall detail or assign to their performance such bodies of troops or individuals, required to be enrolled under the fifth section of this act, as may be needed for the discharge of such duties: *Provided*, That persons between the ages of seventeen and eighteen shall not be assigned to these duties: *Provided, further*, That nothing contained in this act shall be so construed as to prevent the President from detailing artisans, mechanics, or persons of scientific skill to perform indispensable duties in the departments or bureaus herein mentioned.

Ibid, § 8.
Employees of Quartermaster's and Commissary's departments, etc.

173. That any quartermaster or assistant quartermaster, commissary or assistant commissary (other than those serving with regiments and brigades in the field), or officer in the ordnance bureau, or navy agent, or provost marshal, or officer in the conscript service, who shall hereafter employ or retain in his employment any person in any of their said departments or bureaus, or in any of the duties mentioned in the eighth section of this act, in violation of the provisions hereof, shall, on conviction thereof by a court-martial or military court, be cashiered; and it

Ibid, § 9.
Penalty for violating provisions of foregoing section.

shall be the duty of any department or district commander, upon proof by the oath of any credible person, that any such officer has violated this provision, immediately to relieve such officer from duty; and said commander shall take prompt measures to have him tried for such offence; and any commander as aforesaid failing to perform the duties enjoined by this section, shall, upon being duly convicted thereof, be dismissed from the service.

Ibid, § 11.
Details.

174. That the President be and he is hereby authorized to grant details, under general rules and regulations to be issued by the War department, either from persons between forty-five and fifty years of age, or from the army in the field, in all cases when, in his judgment, justice, equity, and necessity require such details, and he may revoke such orders of details whenever he thinks proper: *Provided*, That the power here-in granted to the President to make details and exemptions shall not be construed to authorize the exemption or detail of any contractor for furnishing supplies of any kind to the government, by reason of said contract, unless the head or secretary of the department making such contract shall certify that the personal services of said contractor are indispensable to the execution of the contract: *Provided, further*, That when any such contractor shall fail diligently and faithfully to proceed with the execution of such contract, his exemption or detail shall cease.

Ibid, § 12.
Local boards
of surgeons.

175. That in appointing local boards of surgeons for the examination of persons liable to military service, no member composing the same shall be appointed from the county or enrolling district in which they are required to make such examination.

X. CAMPS OF INSTRUCTION.

Oct. 8, 1862
ch. 29.
Established.

176. That the President be and he is hereby authorized to establish camps of instruction for persons enrolled for military service, at such places and in such numbers in the several states as he may deem necessary, and to appoint, by and with the advice and consent of the Senate, officers in the Provisional

Army, with the rank and pay of major, to superintend and command the same.*

XI. EMPLOYMENT OF NEGROES.

177. Whereas the efficiency of the army is greatly diminished by the withdrawal from the ranks of able-bodied soldiers to act as teamsters, and in various other capacities in which free negroes and slaves might be advantageously employed: Therefore,

Feb. 17, 1864
§ 1, ch. 79.
Male free
negroes.

The Congress of the Confederate States of America do enact, That all male free negroes and other free persons of color, not including those who are free under the Treaty of Paris of 1803, or under the Treaty of Spain of 1819, resident in the Confederate States, between the ages of eighteen and fifty years, shall be held liable to perform such duties with the army, or in connection with the military defences of the country, in the way of work upon fortifications or in government works for the production or preparation of materials of war, or in military hospitals, as the Secretary of War or the commanding general of the trans-Mississippi department may from time to time prescribe; and while engaged in the performance of such duties shall receive rations and clothing, and compensation at the rate of eleven dollars a month, under such rules and regulations as the said Secretary may establish: *Provided*, That the Secretary of War or the commanding general of the trans-Mississippi department, with the approval of the President, may exempt from the operations of this act such free negroes as the interests of the country may require should be exempted, or such as he may think proper to exempt on grounds of justice, equity, or necessity.

Rations,
clothing, and
compensation.

Exemptions

178. That the Secretary of War is hereby authorized to employ, for duties similar to those indicated in the preceding section of this act, as many male negro slaves, not to exceed twenty thousand, as in his judgment the wants of the service may require, furnishing them, while so employed, with proper rations

Ibid, § 2.
Male negro
slaves.

* For drill-masters for camps of instruction, see 303.

Rations,
clothing,
and wages.

In case of
loss of slave.

and clothing, under rules and regulations to be established by him, and paying to the owners of said slaves such wages as may be agreed upon with said owners for their use and service; and in the event of the loss of any slaves while so employed, by the act of the enemy, or by escape to the enemy, or by death inflicted by the enemy, or by disease contracted while in any service required of said slaves, then the owners of the same shall be entitled to receive the full value of such slaves, to be ascertained by agreement or by appraisement, under the law regulating impressments, to be paid under such rules and regulations as the Secretary of War may establish.

Ibid, § 3.
When male
slaves may
be impress-
ed.

179. That when the Secretary of War shall be unable to procure the services of slaves in any military department in sufficient numbers for the necessities of the department, upon the terms and conditions set forth in the preceding section, then he is hereby authorized to impress [436] the services of as many male slaves, not to exceed twenty thousand, as may be required, from time to time, to discharge the duties indicated in the first section of this act, according to the laws regulating the impressment of slaves in other cases: *Provided*, That slaves so impressed shall, while employed, receive the same rations and clothing, in kind and quantity, as slaves regularly hired from their owners, and in the event of their loss, shall be paid for in the same manner, and under the same rules established by the said impressment laws: *Provided*, That if the owner have but one male slave between the ages of eighteen and fifty, he shall not be impressed against the will of said owner: *Provided*, further, that free negroes shall be first impressed, and if there should be a deficiency, it shall be supplied by the impressment of slaves according to the foregoing provisions: *Provided*, further, That in making the impressment not more than one of every five male slaves between the ages of eighteen and forty-five shall be taken from any owner, care being taken to allow in each case a credit for all slaves who may have been already impressed under this act, and who

are still in service, or have died, or been lost while in service. And all impressments under this act shall be taken in equal ratio from all owners in the same locality, city, county, or district.

XII. EXEMPTION.

180. [That all persons who shall be held to be unfit for military service under rules to be prescribed by the Secretary of War; all in the service or employ of the Confederate States; all judicial and executive officers of the Confederate or State governments; the members of both Houses of the Congress and of the Legislatures of the several states and their respective officers; all clerks of the officers of the State and Confederate governments allowed by law; all engaged in carrying the mails; all ferrymen on post-routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraphic operators, and ministers of religion in the regular discharge of ministerial duties; all engaged in working iron mines, furnaces, and foundries; all journeymen printers actually employed in printing newspapers; all presidents and professors of colleges and academies, and all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums, and the regular nurses and attendants therein, and the teachers employed in the institution for the deaf, and dumb, and blind; in each apothecary-store now established and doing business, one apothecary in good standing, who is a practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War—shall be and are hereby exempted from military service in the armies of the Confederate States.]

April 21,
1862, ch. 74
[Repealed;
see 182.]
What persons are
exempted.

181. [That all persons who shall be held unfit for military service in the field, by reason of bodily or mental incapacity or imbecility, under rules to be prescribed by the Secretary of War; the Vice-President of the Confederate States; the officers, judicial and executive, of the Confederate and State govern-

Oct. 11, 1862
§ 1, ch. 45.
[Repealed;
see 189.]
Officers of
the Confederate
and State governments.

ments, including postmasters appointed by the President and confirmed by the Senate, and such clerks in their offices as are allowed by the Postmaster-General, and now employed, and excluding all other postmasters, their assistants, and clerks; and except such state officers as the several states may have declared, or may hereafter declare by law to be liable to militia duty; the members of both houses of the Congress of the Confederate States and of the Legislatures of the several states, and their respective officers; all clerks now in the offices of the Confederate and State governments authorized by law, receiving salaries or fees; all volunteer troops, heretofore raised by any state since the passage of the act entitled "An act further to provide for the public defence," approved April the sixteenth, eighteen hundred and sixty-two [143], while such troops shall be in active service under state authority: *Provided*, That this exemption shall not apply to any person who was liable to be called into service by virtue of said act of April the sixteenth, eighteen hundred and sixty-two; all pilots and persons engaged in the merchant marine service; the president, superintendents, conductors, treasurer, chief clerk, engineers, managers, station-agents, section-masters, two expert track-hands to each section of eight miles, and mechanics in the active service and employment of railroad companies, not to embrace laborers, porters, and messengers; the president, general superintendent, and operators of telegraph companies, the local superintendent and operators of said companies, not to exceed four in number at any locality, but that of the seat of government of the Confederate States; the president, superintendents, captains, engineers' chief clerk, and mechanics in the active service and employment of all companies engaged in river and canal navigation, and all captains of boats and engineers therein employed; one editor of each newspaper now being published, and such employees as the editor or proprietor may certify, upon oath, to be indispensable for conducting the publication; the public printer, and those employed to perform the public

State troops.

Railroad,
telegraph,
and boat
employees.

Printers and
publishers of
newspapers.

printing for the Confederate and State governments; every minister of religion authorized to preach according to the rules of his sect and in the regular discharge of ministerial duties, and all persons who have been and now are members of the society of Friends and the association of Dunkards, Nazarenes, and Mennonists, in regular membership in their respective denominations: *Provided*. Members of the society of Friends, Nazarenes, Mennonists, and Dunkards shall furnish substitutes or pay a tax of five hundred dollars each into the public treasury [168]; all physicians who now are, and for the last five years have been, in the actual practice of their profession; all shoemakers, tanners, blacksmiths, wagon-makers, millers and their engineers, millwrights, skilled and actually employed as their regular vocation in the said trades, habitually engaged in working for the public, and while so actually employed: *Provided*, Said persons shall make oath in writing that they are so skilled and actually employed at the time as their regular vocation in one of the above trades, which affidavit shall only be *prima facie* evidence of the facts therein stated: *Provided, further*, That the exemptions herein granted to persons by reason of their peculiar mechanical or other occupation or employment, not connected with the public service, shall be subject to the condition that the products of the labor of such exempts, or of the companies and establishments with which they are connected, shall be sold and disposed of by the proprietors at prices not exceeding seventy-five per centum upon the cost of production, or within a maximum to be fixed by the Secretary of War, under such regulations as he may prescribe: *And it is further provided*, That if the proprietors of any such manufacturing establishments shall be shown, upon evidence to be submitted to and judged of by the Secretary of War, to have violated or in any manner evaded the true intent and spirit of the foregoing proviso, the exemptions therein granted shall no longer be extended to them, their superintendents, or operatives in said establishments, but they, and each and every of them, shall be forth-

Ministers of religion, and others.

Physicians.

Mechanics.

Proviso.

Superintendents of hospitals, others.

Apothecaries.

Teachers.

Employees for the manufacture of arms, etc.

Proviso.

with enrolled under the provisions of this act, and ordered into the Confederate army, and shall, in no event, be again exempted therefrom by reason of said manufacturing establishments or employment therein; all superintendents of public hospitals, lunatic asylums, and the regular physicians, nurses, and attendants therein, and the teachers employed in the institutions for the deaf, dumb, and blind; in each apothecary-store, now established and doing business, one apothecary in good standing, who is a practical apothecary; superintendents and operators in wool and cotton factories, paper-mills, and superintendents and managers of wool-carding machines, who may be exempted by the Secretary of War: *Provided*, The profits of such establishments shall not exceed seventy-five per centum upon the cost of production, to be determined upon oath of the parties, subject to the same penalties for violation of the provisions herein contained as are hereinbefore provided in case of other manufactories and mechanical employments; all presidents and teachers of colleges, academies, schools, and theological seminaries, who have been regularly engaged as such for two years previous to the passage of this act; all artisans, mechanics, and employees in the establishments of the government for the manufacture of arms, ordnance, ordnance stores, and other munitions of war, saddles, harness, and army supplies, who may be certified by the officer in charge thereof as necessary for such establishments; also, all artisans, mechanics, and employees in the establishments of such persons as are or may be engaged under contracts with the government in furnishing arms, ordnance, ordnance stores, and other munitions of war: *Provided*, That the Chief of the Ordnance bureau, or some ordnance officer authorized by him for the purpose, shall approve of the number of the operatives required in such establishments; all persons employed in the manufacture of arms or ordnance of any kind by the several states, or by contractors to furnish the same to the several state governments, whom the governor or secretary

of state thereof may certify to be necessary to the same; all persons engaged in the construction of ships, gunboats, engines, sails, or other articles necessary to the public defence, under the direction of the Secretary of the Navy; all superintendents, managers, mechanics, and miners employed in the production and manufacture of salt to the extent of twenty bushels per day, and of lead and iron, and all persons engaged in burning coke for smelting and manufacture of iron, regular miners in coal-mines, and all colliers engaged in making charecoal for making pig and bar iron, not to embrace laborers, messengers, wagoners, and servants, unless employed at works conducted under the authority and by the officers or agents of a state, or in works employed in the production of iron for the Confederate States; one male citizen for every five hundred head of cattle, for every two hundred and fifty head of horses or mules, and one shepherd for every five hundred head of sheep, of such persons as are engaged exclusively in raising stock: *Provided*, There is no white male adult not liable to do military duty engaged with such person in raising said stock; to secure the proper police of the country [one person, either as agent, owner, or overseer on each plantation on which one white person is required to be kept by the laws or ordinances of any state, and on which there is no white male adult not liable to do military service, and in states having no such law, one person as agent, owner, or overseer on each plantation of twenty negroes, and on which there is no white male adult not liable to military service: *And, furthermore*, For additional police for every twenty negroes on two or more plantations, within five miles of each other, and each having less than twenty negroes, and on which there is no white male adult not liable to military duty, one person, being the oldest of the owners or overseers on such plantations*]; and such other persons as the President shall be satisfied, on account of justice, equity, or necessity, ought to be exempted,

Ship-builders.

Miners of salt, iron, and lead.

Stock-raisers.

Owners or overseers on plantations of twenty negroes.

* Repealed. see 183.

are hereby exempted from military service in the armies of the Confederate States; and also a regiment raised under and by authority of the State of Texas, for frontier defence, now in the service of said state, while in such service: *Provided, further*, That the exemptions herein above enumerated and granted hereby, shall only continue while the persons exempted are actually engaged in their respective pursuits or occupations.

Duration of exemptions.

Ibid, § 2
Repeal of
Exemption
act of April
21, 1862.

182. That the act entitled "An act to exempt certain persons from enrolment for service in the armies of the Confederate States" [180], approved the twenty-first of April, eighteen hundred and sixty-two, is hereby repealed.

May 1, 1863
§ 1, ch. 80.
[Repealed;
see 189.]
Repeal of so
much of the
act of Oct.
11, 1862, as
relates to the
exemption
of persons on
plantations.

183. [That so much of the act approved October eleventh, one thousand eight hundred and sixty-two, as exempts from military service "one person, either as agent, owner, or overseer on each plantation on which one white person is required to be kept by the laws or ordinances of any state, and on which there is no white male adult not liable to military service, and in states having no such law, one person as agent, owner, or overseer on each plantation of twenty negroes, and on which there is no white male adult not liable to military service," and also the following clause in said act, to wit: "And furthermore, for additional police for every twenty negroes on two or more plantations, within five miles of each other, and each having less than twenty negroes, and on which there is no white male adult not liable to military duty, one person, being the oldest of the owners or overseers on such plantations," be and the same are hereby repealed.

Ibid, § 2.
For the
police and
manage-
ment of
slaves.

184. For the police and management of slaves, there shall be exempted one person on each farm or plantation, the sole property of a minor, a person of unsound mind, a *feme-sole*, or a person absent from home in the military or naval service of the Confederacy, on which there are twenty or more slaves: *Provided*, The person so exempted was employed and acting as an overseer previous to the sixteenth of April, one

thousand eight hundred and sixty-two, and there is no white male adult on said farm or plantation who is not liable to military duty—which fact shall be verified by the affidavits of said person and two respectable citizens, and shall be filed with the enrolling officer: And *provided*, The owner of such farm or plantation, his agent or legal representative, shall make affidavit and deliver the same to the enrolling officer, that, after diligent effort, no overseer can be procured for such farm or plantation not liable to military duty: *Provided, further*, That this clause shall not extend to any farm or plantation on which the negroes have been placed by division from any other farm or plantation since the eleventh day of October, one thousand eight hundred and sixty-two: *Provided, further*, That for every person exempted as aforesaid, and during the period of such exemption, there shall be paid annually into the public treasury, by the owners of such slaves, the sum of five hundred dollars.

185. Such other persons shall be exempted as the President shall be satisfied ought to be exempted in districts of country deprived of white or slave labor indispensable to the production of grain or provisions necessary for the support of the population remaining at home, and also on account of justice, equity, and necessity.

Ibid, § 3.
For the production of grain or provisions.

186. In addition to the state officers exempted by the act of October eleventh, one thousand eight hundred and sixty-two [181], there shall also be exempted all state officers whom the governor of any state may claim to have exempted for the due administration of the government and laws thereof; but this exemption shall not continue in any state after the adjournment of the next regular session of its legislature, unless such legislature shall, by law, exempt them from military duty in the Provisional Army of the Confederate States.]

Ibid, § 4.
State officers exempted by the governor.

187. That the contractors for carrying the mails of the Confederate States shall be exempt from the performance of military duty in the armies of the Confederate States from and after the passage of this act,

April 14,
1863, § 1,
ch. 20. Mail
contractors.

during the time they are such contractors: *Provided*, That no more than one contractor shall be exempt on any one route, and that no more than one member of any firm of contractors shall be exempt, and no contractor on any route of less than ten miles in length, and on which the mail is carried on horse, shall be exempt under this act; and if one or more members of any such firm be exempt, from age or other cause, from the performance of military duty, the other member or members of such firm shall not be exempt by this act on account of being mail contractors: *And provided, further*, That no person to whom a contract for carrying the mails may be transferred, with the consent of the Postoffice department, after the passage of this act, shall be exempt from military service on that account.

Ibid, § 2.
Drivers of
mail-coaches
etc.

188. That the drivers of post-coaches and hacks for carrying the mails, on all routes where the weight of the mails requires that they should be carried in coaches or hacks, shall be exempt from military service in the armies of the Confederate States, from and after the passage of this act, so long as they continue to be employed as such drivers: *Provided*, The contractor by whom any such driver is employed shall take and subscribe an oath, to be furnished to the enrolling officer, that the weight of the mails on his route requires the use of coaches or hacks for their conveyance, and that he has not a greater number of drivers employed in his service than are indispensable to enable him to fulfil his contract for carrying the mails, and that he will not, while a contractor, employ a greater number of drivers than may be indispensably necessary for that purpose, and that he will give notice to the enrolling officer when any such driver ceases to be in his employment.

Feb. 17, 1864.
§ 10, ch. 65.
Repeal of
former laws.

189. That all laws granting exemptions from military service be and the same are hereby repealed, and hereafter none shall be exempted except the following:*

* For persons exempt on account of religious opinions, see 168.

I. All who shall be held unfit for military service, under rules to be prescribed by the Secretary of War.

Who exempt
from service.
Persons unfit
for service.
Certain Con-
federate and
State officers

II. The Vice-President of the Confederate States; the members and officers of Congress and of the several State Legislatures, and such other Confederate and State officers as the President or the Governors of the respective states may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be.

III. Every minister of religion authorized to preach according to the rules of his church, and who, at the passage of this act, shall be regularly employed in the discharge of his ministerial duties; superintendents and physicians of asylums of the deaf, dumb, and blind, and of the insane; one editor for each newspaper being published at the time of the passage of this act, and such employees as said editor may certify on oath to be indispensable to the publication of such newspaper; the public printer of the Confederate and State governments, and such journeymen printers as the said public printer shall certify on oath to be indispensable to perform the public printing; one skilled apothecary in each apothecary-store, who was doing business as such apothecary on the tenth day of October, eighteen hundred and sixty-two, and has continued said business, without intermission, since that period; all physicians over the age of thirty years, who now are, and for the last seven years have been, in the actual and regular practice of their profession—but the term physician shall not include dentists; all presidents and teachers of colleges, theological seminaries, academies, and schools, who have been regularly engaged as such for two years next before the passage of this act: *Provided*, That the benefit of this exemption shall extend to those teachers only whose schools are composed of twenty students or more; all superintendents of public hospitals, established by law before the passage of this act, and such physicians and nurses therein as such superintendent shall certify on oath to be indispensable to the proper and efficient management thereof.

Ministers of
religion,
editors, etc.,
etc.

Overseers,
etc.

IV. There shall be exempt one person as overseer or agriculturist on each farm or plantation upon which there are now, and were, upon the first day of January last, fifteen able-bodied field-hands between the ages of sixteen and fifty, upon the following conditions: 1. This exemption shall only be granted in cases in which there is no white male adult on the farm or plantation not liable to military service, nor unless the person claiming the exemption was, on the first day of January, eighteen hundred and sixty-four, either the owner and manager or overseer of said plantation; but in no case shall more than one person be exempted for one farm or plantation. 2. Such person shall first execute a bond, payable to the Confederate States of America, in such form, and with such security, and in such penalty, as the Secretary of War may prescribe, conditioned that he will deliver to the government, at some railroad depot, or such other place or places as may be designated by the Secretary of War, within twelve months then next ensuing, one hundred pounds of bacon, or, at the election of the government, its equivalent in pork, and one hundred pounds of net beef (said beef to be delivered on foot) for each able-bodied slave on the farm or plantation within the above said ages, whether said slaves be worked in the field or not; which said bacon or pork and beef shall be paid for by the government at the prices fixed by the commissioners of the state under the Impressment act: *Provided*, That when the person thus exempted shall produce satisfactory evidence that it has been impossible for him, by the exercise of proper diligence, to furnish the amount of meat thus contracted for, and leave an adequate supply for the subsistence of those living on said farm or plantation, the Secretary of War shall direct a commutation of the same to the extent of two-thirds thereof in grain or other provisions, to be delivered by such person as aforesaid, at equivalent rates. 3. Such person shall further bind himself to sell the marketable surplus of provisions and grain now on hand, and which he may raise from year to year, while his exemption continues,

to the government or to the families of soldiers, at prices fixed by the commissioners of the state under the Impressment act: *Provided*, That any person, exempted as aforesaid, shall be entitled to a credit of twenty-five per cent. on any amount of meat which he may deliver within three months from the passage of this act: *Provided, further*, That persons coming within the provisions of this exemption shall not be deprived thereof by reason of having been enrolled since the first day of February, eighteen hundred and sixty-four.

In addition to the foregoing exemptions, the Secretary of War, under the direction of the President, may exempt or detail such other person as he may be satisfied ought to be exempted on account of public necessity, and to insure the production of grain and provisions for the army and the families of soldiers. He may also grant exemptions or details on such terms as he may prescribe, to such overseers, farmers, or planters as he may be satisfied will be more useful to the country in the pursuits of agriculture than in the military service: *Provided*, That such exemptions shall cease whenever the farmer, planter, or overseer shall fail diligently to employ, in good faith, his own skill, capital, and labor exclusively in the production of grain and provisions, to be sold to the government and the families of soldiers at prices not exceeding those fixed at the time for like articles by the commissioners of the state under the Impressment act.

Exemption
or details for
production
of grain or
provisions.

V. The president, treasurer, auditor, and superintendent of any railroad company engaged in transportation for the government, and such officers and employees thereof as the president or superintendent shall certify on oath to be indispensable to the efficient operation of such railroad: *Provided*, That the number of persons exempted by this act on any railroad shall not exceed one for each mile of such road in actual use for military transportation, and said exempts shall be reported by name and description, with the names of any who may have left the employment of said company, or who may cease to be indispensable to the efficient operation of its road, at least once a month,

Officers and
employees of
certain rail-
road compa-
nies.

to the Secretary of War, or such officer as he may designate for that purpose : And *provided, further*, That such president or superintendent shall, in each such monthly report, certify on oath that no person liable to military service has been employed by his company since the passage of this act, in any position in which it was practicable to employ one not liable to military service, and capable of performing efficiently the duties of such position. And in cases where railroads have fallen into the hands of the enemy, and a portion of the rolling stock of such roads is being used on other roads not in the enemy's hands, the president and superintendent of said first-named roads shall be exempt.

Mail contractors.

VI. That nothing herein contained shall be construed as repealing the act approved April fourteenth, eighteen hundred and sixty-three, entitled an act to exempt contractors for carrying the mails of the Confederate States, and the drivers of post-coaches and hacks [187, 188] from military service : *Provided*, That the exemptions granted under this act shall only continue whilst the persons exempted are actually engaged in their respective pursuits or occupations.

XIII. RENDEZVOUS.

Oct. 11, 1862
§ 1, ch. 41.
For examination of
persons
enrolled.

190. That there shall be established in each county, parish, or district, and in any city in a county, parish, or district in the several states, a place of rendezvous for the persons in said county, district, parish, or city enrolled for military duty in the field, who shall be there examined by one or more surgeons, to be employed by the government, to be assigned to that duty by the President, on a day of which ten days' notice shall be given by said surgeon, and from day to day next thereafter, until all who shall be in attendance for the purpose of examination shall have been examined ; and the decision of said surgeons, under regulations to be established by the Secretary of War, as to the physical and mental capacity of any such person for military duty in the field, shall be final ; and those only thus ascertained to be fit for military duty in the

field shall be required to assemble at camps of instruction [176].

191. There shall be assigned to each congressional district in the several states three surgeons, who shall constitute a board of examination in such district for the purpose specified in the foregoing section, any one or more of whom may act at any place of rendezvous in said district.

Ibid. § 2.
Board of examination.

192. When it shall appear to any surgeon attending such place of rendezvous, by the certificate of a respectable physician resident in that county, district, parish, or city in a county, parish, or district, that any enrolled person therein is unable to attend on account of sickness, it shall be the duty of said surgeon to file said certificate with the commandant of the nearest camp of instruction; and if the person named therein shall not, within a reasonable time, report himself for examination at said camp of instruction, or his continued disability certified by the certificate of a respectable physician of his county, city, district, or parish, he shall be held liable as absent without leave of his commanding officer.

Ibid. § 3.
Absence of enrolled persons on account of sickness.

XIV. LOCAL DEFENCE AND SPECIAL SERVICE.

193. That the President be and he is hereby authorized to accept the services of volunteers of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defence of exposed places or localities, or such special service as he may deem expedient.

Aug. 21, 1861
§ 1, ch. 23.
Defence of exposed localities.

194. And such forces shall be mustered into the service of the Confederate States, for the local defence or special service aforesaid, the muster-roll setting forth distinctly the services to be performed; and the said volunteers shall not be considered in actual service until thereunto specially ordered by the President. And they shall be entitled to pay or subsistence only for such time as they may be on duty under the orders of the President or by his direction.

Ibid. § 2.
Muster-roll to set forth the services.

195. Such volunteer forces, when so accepted and ordered into service, shall be organized in accordance

Ibid. § 3.
How organized.

with and subject to all the provisions of the act entitled "An act to provide for the public defence," approved March 6, 1861 [91, 92, 95, 96], and may be attached to such divisions, brigades, regiments, or battalions as the President may direct, and when not organized into battalions or regiments before being

Field-officers

mustered into service, the President shall appoint the field-officers of the battalions and regiments when organized as such by him.

Oct. 13, 1862
ch. 63.
Companies
composed of
persons not
liable to
military
duty.

196. That for the purpose of local defence in any portion of the Confederate States, any number of persons not less than twenty, who are over the age of forty-five years, or otherwise not liable to military duty, may associate themselves as a military company, elect their own officers, and establish rules and regulations for their own government, and shall be considered as belonging to the Provisional Army of the Confederate States, serving without pay or allowances, and entitled, when captured by the enemy, to all the privileges of prisoners of war: *Provided*, That such company shall, as soon as practicable, transmit their muster-roll, or a list of the names of the officers and privates thereof, to the governor of the state, the commanding general of the department, or any brigadier-general in the State or Confederate service, to be forwarded to the Secretary of War; but the President or the commander of the military district may, at any time, disband such companies: *Provided*, That in the states and districts in which the act entitled "An act to further provide for the public defence," approved April the sixteenth, eighteen hundred and sixty-two [143, 145], and the acts amendatory thereof, have been suspended, persons of any age, resident within such states or districts, may volunteer and form part of such companies so long as such suspension may continue: *Provided*, That no person shall become a member of said company until he shall have first taken the oath of allegiance to the Confederate States of America, in writing, a copy of which shall be filed with the muster-roll of said company as above prescribed.

Muster-roll.

Persons of
any age in
certain
states may
form part of
such compa-
nies.

Oath of alle-
giance.

197. That the President be and he is hereby authorized to purchase or charter, arm, equip, and man such merchant vessels and steamships or boats as may be found fit or easily converted into armed vessels, and in such number as he may deem necessary for the protection of the seaboard and the general defence of the country.

March 6, 1861, § 10, ch. 26. Armed vessels for seaboard and general defence.

198. That the President be and he is hereby authorized to raise a corps for the temporary and special service on the western waters, to cause to be enlisted a number of men not exceeding six thousand, and of such commissioned and non-commissioned officers, and of such rank, either naval or military, as the President may deem necessary, who shall severally receive such pay and allowances as he may determine.

Jan. 14, 1862 ch. 39. Corps for service on the western waters.

199. That the President be and he is hereby authorized to cause such floating defences as he may deem best adapted to the protection of the Mississippi river against a descent of iron-plated steam gunboats, to be constructed or prepared with the least possible delay.

Aug. 30, 1861 ch. 56. Floating defences for protection of Mississippi river.

200. That the sum of one million and two hundred thousand dollars is hereby appropriated for the further defence of the Bay of Mobile and the Alabama river, to be expended at the discretion of the President, by the Secretary of the Navy; and that the disbursement of said money shall be made in the manner provided by law for appropriations for the navy.

March 24, 1862, § 1, ch. 8. Appropriation for defence of Bay of Mobile.

201. That the President is hereby authorized to raise a corps for the temporary and special service provided for in the first section of this act in the Bay of Mobile and the Alabama river, consisting of a number of men not exceeding six thousand men, and of such commissioned and non-commissioned officers, and of such rank as the President may deem necessary, who shall severally receive such pay and allowance as he may determine.

Ibid, § 2. Corps for defence of Bay of Mobile and Alabama river.

XV. QUARTERMASTER,* COMMISSARY, AND MEDICAL DEPARTMENTS.

(See *Regular Army*.)

March 6,
1861. § 9,
ch. 26.
Appoint-
ment of ad-
ditional offi-
cers for ser-
vice with
militia or
volunteers.

202. That when volunteers or militia are called into the service of the Confederate States in such numbers that the officers of the Quartermaster, Commissary, and Medical departments which may be authorized by law for the regular service, are not sufficient to provide for the supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of said departments as the service may require, not exceeding one commissary and one quartermaster for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon and one assistant surgeon for each regiment; the said quartermasters and commissaries, assistant quartermasters and commissaries, to give bonds, with good sureties, for the faithful performance of their duties—the said officers to be allowed the same pay and emoluments as shall be allowed to officers of the same grade in the regular service, and to be subject to the Rules and Articles of War, and to continue in service only so long as their services may be required in connection with the militia or volunteers.

Feb. 15, 1862
ch. 80.
Additional
quartermas-
ters and
commissa-
ries for per-
manent
posts and
depots.

203. That in addition to the number of quartermasters, assistant quartermasters, commissaries, and assistant commissaries now allowed by law, the President shall have authority to appoint as many of said officers as shall, in his discretion, be deemed necessary at permanent posts and depots—said appointments to terminate at the close of the war, or sooner, if the services of the officer can be advantageously dispensed with: [Provided [204], That no quartermaster, assistant quartermaster, commissary, or assistant commissary be authorized to employ a clerk; but the commanding offi-

* Quartermasters empowered to administer oaths in certain cases, 379. Quartermasters to make deduction from pay for absence without leave, 326.

eer of quartermasters, assistant quartermasters, commissaries, or assistant commissaries shall detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries, and assistant commissaries.]

204. That the act entitled "An act to provide for an increase of the Quartermaster and Commissary departments" [203], approved February fifteenth, eighteen hundred and sixty-two, be and the same is hereby amended by striking out the proviso at the end of the same, and inserting in lieu thereof the following: *Provided*, That no quartermaster, assistant quartermaster, commissary, or assistant commissary be authorized to employ as a clerk any one liable to military service; and the commanding officer of quartermasters, assistant quartermasters, commissaries, or assistant commissaries may detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries, and assistant commissaries: *Provided*, That only disabled soldiers shall be so detailed, while one can be found for such service. [172 *et seq.*]

205. That all surgeons, assistant surgeons, quartermasters, commissaries, and assistant quartermasters and commissaries, appointed and commissioned in the Provisional Army, and who may have commenced their service before receiving their commissions, shall be entitled to take rank and receive pay from the date when they actually commenced to perform their respective duties with troops in the service of the Confederacy. [See, also, 387.]

206. That the Secretary of War be and he is hereby authorized to audit and settle the claims of all assistant quartermasters-general, commissaries-general, and surgeons, who discharged the duties of said offices from the date of the transfer of the battalions or regiments to which they were attached, to the time of the appointment of their successors by the Confederate gov-

April 22,
1863, § 1, ch.
36.
Persons
liable to
military ser-
vice not to
be appointed
as clerks.

Details for
service.

Dec. 18, 1861
ch. 13.
Date of rank
and pay.

Jan. 15, 1862
ch. 40.
Settlement
of claims.

ernment: *Provided*, Said officers held commissions from their respective states, and discharged the duties of said offices under said commissions, and no other officers during the time were appointed or discharged the duties of the same.

Aug. 14, 1861
ch. 21.
Surgeons for
hospitals.

207. That the President be and he is hereby authorized to appoint in the Provisional Army as many surgeons and assistant surgeons, for the various hospitals of the Confederacy, as may be necessary.

May 1, 1863
§ 1, ch. 61.
Office of regimental commissary abolished.

208. That the office of regimental commissary be and the same is hereby abolished, and the duties heretofore devolved by law upon said commissary shall be performed by the regimental quartermaster: *Provided*, That said quartermaster shall, if required by the Secretary of War, execute a new bond, with such additional penalty as he may require.

Ibid, § 2.
Commissary
sergeant.

209. That the commanding officer of a regiment or battalion shall, when the good of the service in his opinion requires it, detail a non-commissioned officer or private as commissary-sergeant, who shall be assigned to the regimental quartermaster to perform the duties now performed by commissary-sergeants, and the non-commissioned officer or private so detailed shall receive as extra pay twenty dollars per month.

Ibid, § 3.
Supplies:
how drawn
by regimental quartermasters acting as commissaries.

210. That the regimental quartermasters acting as commissaries shall draw supplies for their respective regiments on provision returns, form fourteen, and not in bulk; and when detached from their brigades, so that it is impracticable to draw supplies from the brigade commissary, it shall be the duty of the nearest brigade or post commissary to supply his regiment on provision return fourteen.

Ibid, § 4.
Sales: how
to be made.

211. Sales to officers shall be made by the brigade commissaries to which such officers are attached.

Ibid, § 5.
Quartermasters and commissaries permanently detached.

212. That quartermasters and commissaries, assistant quartermasters and assistant commissaries who become permanently detached from divisions, brigades, or regiments to which they are originally appointed and assigned respectively, whether by resignation or otherwise, shall cease to be officers of the army, and their names shall be dropped from the rolls of the army

unless reassigned by a special order of the Secretary of War.

213. That it shall be the duty of the Secretary of War to issue the necessary orders for the earliest practical enforcement of the provisions of this law, and that he shall communicate to the Chiefs of the Subsistence and Quartermaster's bureaus the names of the commissaries and assistant commissaries, quartermasters and assistant quartermasters retained and dropped from the rolls under this act.

Ibid, § 6.
Orders to be issued by Secretary of War.

214. That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Ibid, § 7.
Repeal of conflicting laws.

215. That no officer charged with the safe-keeping, transfer, or disbursement of public moneys shall convert to his own use, or invest in any kind of property or merchandize, on private account, or lend, with or without interest, any portion of the public moneys entrusted to him for safe-keeping, transfer, disbursement, or any other purpose.

May 1, 1863
§ 1, ch. 81.
Public moneys not to be invested in property on private account, nor loaned.

216. That no officer charged with the safe-keeping, transfer, or disbursement of public moneys, or charged with or assigned to the duty of purchasing for the government, or any department thereof, shall buy, trade, traffic, or speculate in, either directly or indirectly, for the purpose of gain to himself or others, by resale or otherwise, any article of food or clothing, or material of which the same is made, or which enters into or constitutes a part of the same, or any material of war or article whatsoever which is or may be required to be purchased for the use of the army or the prosecution of the war.

Ibid, § 2.
Officers not to traffic nor speculate in articles of food, clothing, materials of war, etc.

217. No officer shall take a receipt in blank for any article or articles purchased by him for the government or any department thereof; and every receipt shall set forth the true amount paid, and on what account; and when payment is made on account of property purchased, the receipt shall set forth the name of the person from whom such property was purchased, and the place of his residence, the thing or things purchased by items, number, weight, or measurement, as

Ibid, § 3.
Receipts in blank prohibited. What receipts shall state.

may be customary in the particular case, the price thereof, and the date of payment.

Ibid, § 4.
Transporta-
tion of pri-
vate proper-
ty.

218. No officer who is in charge of transportation, or who is empowered to grant the same, shall forward by government conveyance, or at the expense of government, or to the exclusion or delay of government freight, any commodity or property of any kind, unless the same belongs to the government or some department thereof, except as authorized by law.

Ibid, § 5.
Penalty on
conviction
before a
court-mar-
tial or mili-
tary court.

219. Any officer who shall violate any provision in the foregoing sections shall, upon a conviction before a court-martial or military court, be cashiered, and placed in the ranks as a private, to serve during the war: *Provided*, That nothing herein contained shall impair the civil remedy which the government may have against any officer or his sureties for fraud, peculation, or misapplication of the public moneys entrusted to him by the government.

Ibid, § 6.
Indictment,
fine, and
imprison-
ment.

220. That any person in the employment or service of the government as aforesaid, and all other persons coming within the purview of this act, who shall violate any of the provisions of the foregoing sections, shall be liable to indictment, and fined in a sum not less than one thousand dollars, and imprisoned not less than one year nor longer than five years, to be imposed by the judge or jury trying the cause, according to the course of judicial proceeding in force in the several states: *Provided*, The provisions of this act shall in nowise interfere with or impair the civil remedy which the government may have against any of said officers, or their securities or employees, for frauds, peculations, or misapplication of the moneys entrusted to them respectively by the Confederate States: *Provided, also*, That all conservators of the peace, who, by the laws of the several states, have jurisdiction to commit or bind over offenders for breaches of the criminal laws of the state in which they may reside, shall have power to commit or bind over, in a sufficient recognizance, offenders against the provisions of this law, to appear at the next term of the district court of the Confederate States within the jurisdiction of which

Civil remedy

Peace offi-
cers to have
power of
commitment

the offence was committed, for trial, in the same manner and under the same rules as if such preliminary trial were had before the judge of such district court; and the judges of the Confederate courts having jurisdiction of the offences defined by this act shall, at the commencement of each session of their respective courts, give this act and its provisions specially in charge to the different grand juries [35].

Charge to
grand juries

XVI. SUPPLIES, CLOTHING,* AND PROVISIONS.

221. That said volunteers [88] shall furnish their own clothes, and, if mounted men, their own horses and horse equipments; and, when mustered into service, shall be armed by the states from which they come, or by the Confederate States of America.

March 6,
1861, § 3,
ch. 26.
Volunteers
to furnish
their own
clothing.

222. That said volunteers shall, when called into actual service, and while remaining therein, be subject to the Rules and Articles of War; and instead of clothing, every non-commissioned officer and private in any company shall be entitled, when called into actual service, to money in a sum equal to the cost of clothing of a non-commissioned officer or private in the regular army of the Confederate States of America [226].

Ibid, § 4.
Money in
lieu of
clothing.

223. That the fourth section of the act of March 6, 1861, "to provide for the public defence" [222], be amended as follows, viz: That there shall be allowed to each volunteer, to be paid to him on the first muster and pay rolls after being received and mustered into the service of the Confederate States, the sum of twenty-one dollars, in lieu of clothing for six months [226]; and thereafter the same allowance in money at every subsequent period of service for six months in lieu of clothing: *Provided*, That the price of all clothing in kind received by said volunteers from the Confederate States government shall be deducted first from the money thus allowed; and if that sum be not sufficient, the balance shall be charged for stoppage on the muster and pay rolls; and that all accounts arising

May 21, 1861
§ 2, ch. 39.
Twenty-one
dollars in
lieu of six
months'
clothing.

Price of
clothing re-
ceived to be
deducted.

* For clothing for the sick and wounded in hospitals, see 410. Yearly allowance of clothing to enlisted men, 79.

from contracts, agreements, or arrangements for furnishing clothing to volunteers, to be duly certified by the company commander, shall be paid out of the said semi-annual allowance of money.

Aug. 30, 1861
§ 1, ch. 51.
Clothing to
be furnished
to the entire
forces of the
Confederate
States.

224. That the Secretary of War be and he is hereby authorized and required to provide, as far as possible, clothing for the entire forces of the Confederate States, and to furnish the same to every regiment or company upon the requisition of the commander thereof, the quantity, quality, and kind thereof to be established by regulation of the department, to be approved by the President; and in case any state shall furnish to its troops and volunteers in the Confederate service such clothing, then the Secretary of War is required to pay over to the governor of such state the money value of the clothing so furnished.

Clothing
furnished by
the states to
be paid for.

Ibid. § 2.
Clothing
when fur-
nished by
the troops.

225. The commander of every volunteer company shall have the privilege of receiving commutation for clothing at the rate of twenty-five dollars per man for every six months, when they shall have furnished their own clothing.

Oct. 8, 1862
ch. 30.
Law provid-
ing commu-
tation for
clothing re-
pealed.
Clothing in
kind.

226. That so much of the existing law [223] as provides commutation for clothing to the soldiers in the service of the Confederacy, be and the same is hereby repealed; and hereafter the Secretary of War shall provide in kind to the soldiers, respectively, the uniform clothing prescribed by the regulations of the Army of the Confederate States; and should any balance of clothing be due to any soldier at the end of the year, the money value of such balance shall be paid to such soldier, according to the value of such clothing fixed and announced by order from the War department.

Oct. 8, 1862
§ 1, ch. 31.
Importa-
tions of ma-
chinery and
materials for
manufacture
of clothing
or shoes.

227. That the President is hereby authorized to import, duty free, cards or card-cloth, or any machinery or materials necessary for increasing the manufacture of clothing for the army, or any articles necessary for supplying the deficiency of clothing or shoes, or materials for shoes for the army.

Ibid. § 2.
Machinery
may be

228. That any machinery, or parts of machinery, or materials imported as aforesaid, may be worked on

government account, or leased, or sold, at the discretion of the President.

worked, or
leased, or
sold.

229. That the President may extend the privileges of this act to companies or individuals, subject to such regulations as he may prescribe.

Ibid, § 3.
Privileges
extended to
companies
or individu-
als.

230. That the clothing required to be furnished to the troops of the Provisional Army under any existing law may be of such kind, as to color and quality, as it may be practicable to obtain, any law to the contrary notwithstanding.

Ibid, § 4.
Color and
quality of
clothing.

231. That the President be and he is hereby authorized, on the requisition of the Quartermaster-General, to detail from the army persons skilled in the manufacture of shoes, not to exceed two thousand in number; and it shall be the duty of the Quartermaster-General to place them, without delay, at suitable points, in shops, under proper regulations prescribed by him, and employ them diligently in the manufacture of shoes for the army.

Oct. 9, 1862
§ 1, ch. 37.
Detail of
persons for
manufacture
of shoes.

232. That soldiers detailed under the provisions of this act shall be entitled to receive pay for extra duty, and also thirty-five cents per pair for shoes manufactured by them severally, in addition to regular pay and rations.

Ibid, § 2.
Pay.

233. That there shall be allowed and paid to the militia of any state who have been, or may hereafter be, called into the service of the Confederate States, under authority of existing laws, to each private and non-commissioned officer commutation for clothing for the time of actual service, at the rate of forty-two dollars a year, up to the thirtieth day of August, eighteen hundred and sixty-one, and after that date at the rate of fifty dollars per annum, deducting therefrom the value of any clothing which may have been issued them, or commutation therefor which may have been allowed them.

April 30,
1863, § 1,
ch. 51.
Militia;
commuta-
tion for
clothing.

234. All claims for commutation under authority of this act made by any of the militia who have been heretofore paid, shall be settled by the Second Auditor, with the approval of the Comptroller of the Treasury.

Ibid, § 2.
Claims for
commuta-
tion; how
settled.

Aug. 30,
1861. ch. 50.
Purchase of
steamer, and
supplies of
leather,
shoes, etc.

235. That the sum of one million of dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a steamer, and such supplies of leather, shoes, flannel, and woollen clothing and blankets for the use of the troops in the service of the Confederate States—the said appropriation to be expended under the direction of the President.

Aug. 31, 1861
Res. 8.
Bread in lieu
of flour.

236. That the Secretary of War be and he is hereby directed to furnish to such of our troops in the field as desire it, upon requisition made, and whenever practicable, in lieu of the usual ration of flour, an equivalent of well-baked bread; to this end he is authorized to establish bakeries in such numbers and at such points as may be necessary, or to make contracts for the supply of such bread.

Fresh vegetables.

Resolved, That a daily ration of fresh vegetables be furnish[ed] to all troops whenever the same can be provided at reasonable cost and charges to the government.

Aug. 31, 1861
ch. 68.
Private contributions.

237. That the Secretary of War be authorized and required to make all necessary arrangements for the reception and forwarding of clothes, shoes, blankets, and other articles of necessity that may be sent to the army by private contribution.

Feb. 17, 1864
§ 1. ch. 45.
Rations to
officers.

238. That from and after the passage of this act all commissioned officers of the armies, whilst on duty in the field, or in the naval service, whilst afloat, of the Confederate States, shall be entitled to one ration in kind each, in quantity and quality the same as are now allowed by law to privates, and shall draw and receive the same under such regulations as may be prescribed by the Secretary of War.

Ibid. § 2.
Purchase of
clothing and
cloth.

239. All commissioned officers of the armies of the Confederate States shall be allowed to purchase clothing and cloth for clothing from any quartermaster at the price which it cost the government, all expenses included: *Provided*, That no quartermaster shall be allowed to sell to any officer any clothing which would be proper to issue to privates, until all privates entitled

to receive the same shall have been first supplied : *Provided*, That the officer offering to purchase shall give his certificate on honor that the articles are necessary for his own personal comfort and use, and in no case shall more than one suit per annum be allowed to be so purchased by an officer : *Provided*, That no law or army regulation shall hereafter be construed to allow an officer to purchase or draw from subsistence stores more than one ration a day, or for less price than the cost thereof, including transportation.

240. No officer under the rank of brigadier-general shall hereafter be entitled to forage or commutation for forage for more than one horse, except when on service in the field.

Ibid, § 3.
Limitation
as to forage.

241. That there shall be furnished to every enlisted man in the service of the Confederate States one ration of tobacco, under such regulations as the Secretary of War may establish.

Feb. 17, 1864
ch. 71.
Rations of
tobacco to
enlisted men

XVII. TRANSPORTATION.*

242. When transportation can not be furnished in kind, the discharged soldier shall be entitled to receive ten cents per mile in lieu of all travelling pay, subsistence, forage, and undrawn clothing, from the place of discharge to the place of his enlistment or enrolment, estimating the distance by the shortest mail route, and if there is no mail route, by the shortest practicable route. The foregoing to apply to all officers, non-commissioned officers, musicians, artificers, farriers, blacksmiths, and privates of volunteers when disbanded, discharged, or mustered out of service of the Confederate States ; and it shall also apply to all volunteer troops as above designated, when travelling from the place of enrolment to the place of general rendezvous

May 21, 1861
§ 1. ch. 39.
Mileage in
lieu of travelling pay,
subsistence,
forage, and
undrawn
clothing.

* For transportation for men recruited for three years or the war, 106, 132.

For officers authorized to raise commands, 107.

For re-enlisted twelve months' men, 121.

For state agents to visit troops, 345.

For hospital supplies, 409.

For sick and wounded soldiers, 414.

Of private property by persons in charge of government transportation, 218.

Of sick and wounded soldiers after discharge from hospital, 422.

Proviso.

or point where mustered into service: *Provided*, That nothing herein contained shall be so construed as to deprive the mounted volunteers of the allowance of forty cents a day for the use and risk of his horse, which allowance is made from the date of his enrolment to the date of his discharge, and also for every twenty miles' travel from the place of his discharge to the place of his enrolment.

Feb. 7, 1863
§ 1, ch. 2.
For persons
to whom
furloughs
have been
allowed.

243. That non-commissioned officers and privates who have been mustered into service for the war, and to whom furloughs may be granted for not more than sixty days, shall be entitled to transportation home and back: *Provided*, That this allowance shall only be made once during the term of enlistment of such non-commissioned officers and privates.

XVIII. COOKS AND NURSES.

[See *Hospitals*, 411, 413.]

Aug. 21, 1861
§ 1, ch. 29.
Employ-
ment of.

244. That the better to provide for the sick and wounded, the Secretary of War is authorized to direct the employment, when deemed necessary, of nurses and cooks, other than enlisted men or volunteers—the persons so employed being subject to military control, and in no case to receive pay above that allowed to enlisted men [75] or volunteers.

Ibid, § 2.
Appropri-
ation.

245. That there be appropriated for the pay of the nurses and cooks provided for in the above section, one hundred and thirty thousand dollars.

April 21,
1862, § 1,
ch. 64.
Cooks for
the use of
companies;
their duties.

246. That hereafter it shall be the duty of the captain or commanding officer of his company to enlist four cooks for the use of his company, whose duty it shall be to cook for such company—taking charge of the supplies, utensils, and other things furnished therefor, and safely keep the same, subject to such rules and regulations as may be prescribed by the War department or the colonel of the regiment to which such company may be attached.

Ibid, § 2.
Cooks may
be white or
black—free
or slave.

247. That the cooks so directed to be enlisted may be white or black, free or slave persons: *Provided*, however, That no slave shall be so enlisted without

the written consent of his owner; and such cooks shall be enlisted as such only, and put on the muster-roll and paid at the time and place the company may or shall be paid off, twenty dollars per month to the chief or head-cook, and fifteen dollars per month for each of the assistant cooks, together with the same allowance for clothing, or the same commutation therefor, that may be allowed to the rank and file of the company [226].

Pay.

XIX. CHAPLAINS.

248. That there shall be appointed by the President such number of chaplains, to serve with the armies of the Confederate States during the existing war, as he may deem expedient; and the President shall assign them to such regiments, brigades, or posts as he may deem necessary; and the appointments made as aforesaid shall expire whenever the existing war shall terminate.

May 3, 1861
§ 1, ch. 1.
Appointment of.

249. The monthly pay of said chaplains shall be [eighty-five dollars; and said pay shall be in full of all allowances whatever] [251, 252].

Ibid, § 2.
Pay.

250. That so much of the second section of the above recited act as fixes the pay of chaplains in the army at eighty-five dollars be repealed, and that the pay of said chaplains be [fifty dollars per month] [252].

May 16, 1861
ch. 22. Pay reduced.

251. That chaplains in the army be and they are hereby allowed the same rations as privates.

Aug. 31, 1861
ch. 60.
Rations.

252. That hereafter the pay of chaplains in the army shall be eighty dollars per month, with rations as now provided by law.

April 19,
1862, ch. 56.
Pay and rations.

253. That chaplains in the army in actual service in the field shall be entitled to draw forage for one horse: provided the chaplain has a horse in his use.

Jan. 22, 1864
ch. 13. Forage allowed.

XX. ENGINEERS AND ENGINEER TROOPS.*

[See *Engineers Regular Army*, 50.]

254. That the President be and he is hereby authorized to appoint officers of engineers in the Provisional

Dec. 31, 1861
ch. 29. Appointment;

* For appointment of officers of engineer troops during recess of Senate, see 486.

rank, pay,
and emolu-
ments of offi-
cers of engi-
neers.

Army, to a number not exceeding fifty, and of rank not higher than captain, whose pay [68] and emoluments shall be the same as those allowed for officers of a like grade in the Permanent Army of the Confederacy, and whose appointments shall expire at the end of the pending war.

April 21,
1862, ch. 65.
Additional
officers.

255. That the President be and he is hereby authorized to appoint, with the advice and consent of the Senate, an additional number of officers in the engineer corps of the Provisional Army, of a rank not higher than captain: *Provided*, That the whole corps shall not exceed one hundred [257].

Sept. 23, 1862
ch. 8. Num-
ber of officers
in each
grade limit-
ed.

256. That the officers of the engineer corps of the Provisional Army may have rank [50 *et seq.*] conferred on them during the war equal to that authorized by law for the engineer corps of the Confederate States Army: *Provided*, That the number of officers in each grade be limited to one colonel, three lieutenant-colonels, six majors, forty captains, thirty first lieutenants, and twenty second lieutenants [257].

Feb. 17, 1864
§ 1, ch. 60.
Additional
officers.

257. That the acts approved twenty-first April, eighteen hundred and sixty-two [255], and twenty-third September, eighteen hundred and sixty-two [256], regulating the increase and rank of the corps of engineers of the Provisional Army, be amended to read as follows: That the President be and he is hereby authorized to appoint, with the advice and consent of the Senate, an additional number of officers in the engineer corps of the Provisional Army: *Provided*, That the whole corps shall not exceed one hundred and twenty, and that the number of officers in each grade be limited to three colonels, four lieutenant-colonels, eight majors, forty-five captains, thirty-five first lieutenants, and twenty-five second lieutenants.

March 20,
1863, § 1.
ch. 7. One
company of
engineer
troops for
each division
of infantry.

258. That* there shall be selected, in such manner as the Secretary of War may direct, from each division of infantry in service, one company of engineer troops, to consist of one hundred men, chosen with a view to their mechanical skill and physical fitness, and that

* This act modified and amended, 269.

the men assigned to such company shall be required to serve in the same only during the balance of their term of service respectively.

259. That each company shall consist of eight sergeants, seven corporals, forty artificers, and forty-five laborers, and that two musicians may be added.

Ibid, § 2.
Of what to consist.

260. That the commissioned officers of each company shall consist of one captain, one first lieutenant, and two second lieutenants; and that the original vacancies in these companies shall be filled by the transfer of officers of corresponding grade from the engineer corps, if practicable, and where not, then from the other corps, or from the line or staff of the army, reference being always had to their qualification as engineers, or by selection; but no one shall be selected who is not now serving in or with the army, unless he is a military or civil engineer.

Ibid, § 3.
Commissioned officers.
Original vacancies; how filled.

261. That the companies shall be organized into regiments of ten companies each, and that the field and staff officers shall consist of one colonel, one lieutenant-colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster-sergeant [268], and one sergeant-major; and that the original vacancies in the regiments shall be filled in the manner provided for filling the same in the companies by the third section of this act [260]; and that the sergeant-major and the quartermaster-sergeant shall be selected from the enlisted men of the army.

Ibid, § 4.
Organization into regiments.
Field and staff officers.

Original vacancies; how filled.

262. That in each regiment two of the companies shall be assigned to duty as pontoniers, and each be furnished with a bridge train complete.

Ibid, § 5.
Pontoniers.

263. That the officer in charge of the Engineer bureau, subject to the approval of the Secretary of War, shall prescribe the number, form, and dimensions of the wagons, pontons, trestles, tools, implements, arms, and other necessities for all the troops organized by this act.

Ibid, § 6.
Wagons, pontons, tools, arms, etc.

264. That vacancies in the established regiments, to and including the rank of colonel, shall be filled by promotion, regimentally, according to seniority, except in case of disability or other incompetency.

Ibid, § 7.
Vacancies in established regiments; how filled.

Ibid, § 8.
Pay of offi-
cers.

265. That the monthly pay of the engineer troops shall be as follows: Of a colonel, two hundred and ten dollars; of a lieutenant-colonel, one hundred and eighty-five dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; of a first lieutenant, one hundred dollars; of a second lieutenant, ninety dollars: and the adjutant shall receive ten dollars per month in addition to his pay as lieutenant [276].

Ibid, § 9.
Pay of enlist-
ed men.

266. That the pay of the enlisted men, per month, shall be as follows: The sergeant-major and quartermaster-sergeant, each twenty-one dollars; sergeants, thirty-four dollars; corporals, twenty dollars; artificers, seventeen dollars; laborers and musicians, thirteen dollars [277].

Ibid, § 10.
Mounted
troops.

267. That mounted engineer troops may be selected from the cavalry, and be organized according to the provisions of this act, for engineer troops, as hereinbefore specified.

Feb. 17, 1864
ch. 59.
Quartermas-
ter-sergeants

268. That the above recited act [261] be so amended that there shall be allowed to each regiment of engineer troops two quartermaster-sergeants.

Feb. 17, 1864
§ 1, ch. 75.
One com-
pany of
troops from
every twelve
regiments of
infantry.

269. That an act to provide and organize engineer troops to serve during the war (approved twentieth March, one thousand eight hundred and sixty-three) [258] be amended to read as follows: That there shall be selected, in such manner as the Secretary of War may direct, from each division of infantry in service, or from every twelve regiments when not formed into divisions, one company of engineer troops, to consist of one hundred men, chosen with a view to their mechanical skill and physical fitness, and that the men assigned to such company shall be required to serve in the same only during the balance of their term of service respectively. These companies may be formed or recruited from conscripts and volunteers.

Ibid, § 2.
Of what to
consist.

270. That each company shall consist of eight sergeants, seven corporals, forty artificers, and forty-five laborers, and that two musicians may be added.

Ibid, § 3.
Commission-
ed officers.

271. That the commissioned officers of each com-
pany shall consist of one captain, one first lieutenant,

and two second lieutenants, and that the original vacancies in these companies shall be filled by transfer of officers of corresponding grade from the engineer corps, if practicable, and where not, then from the other corps, or from the line or staff of the army, reference being always had to their qualification as engineers, or by selection; but no one shall be selected who is not now serving in or with the army, unless he is a military or civil engineer.

Original
vacancies.

272. That the companies shall be organized into regiments of ten companies each, and that the field and staff officers shall consist of one colonel, one lieutenant-colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster-sergeant, and one sergeant-major, and that the original vacancies in the regiments shall be filled in the manner provided for filling the same in the companies by the third session [section] of this act.

Ibid, § 4.
Organiza-
tion into
regiments.

273. That in each regiment two of the companies shall be assigned to duty as pontoniers, and each be furnished with a bridge train complete.

Ibid, § 5.
Pontoniers.

274. That the officer in charge of the Engineer bureau, subject to the approval of the Secretary of War, shall prescribe the number, form, and dimensions of the wagons, pontons, trestles, tools, implements, arms, and other necessities for all the troops organized by this act.

Ibid, § 6.
Wagons,
pontons,
arms, etc.

275. That vacancies in the established regiments, to and including the rank of captain, shall be filled by promotion, regimentally, according to seniority, except in case of disability or other incompetency. The field-officers shall be appointed by selection from the captains of the regiments or battalions, except in the case of original appointment or vacancy caused by promotion to original vacancy of higher rank.

Ibid, § 7.
Vacancies in
established
regiments.

276. That the monthly pay of the engineer troops shall be as follows: Of a colonel, two hundred and ten dollars; of a lieutenant-colonel, one hundred and eighty-five dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; of a first lieutenant, one hundred dollars; of a

Ibid, § 8.
Pay of off-
icers.

second lieutenant, ninety dollars; and the adjutant shall receive ten dollars per month in addition to his pay as a lieutenant.

Ibid, § 9.
Of enlisted
men.

277. That the pay of the enlisted men, per month, shall be as follows: The sergeant-major and quartermaster-sergeant, each thirty-four dollars; sergeants, thirty-four dollars; corporals, twenty dollars; artificers, seventeen dollars; laborers and musicians, thirteen dollars.

Ibid, § 10.
Mounted
troops.

278. The mounted engineer troops may be selected from the cavalry, and be organized according to the provisions of this act, for engineer troops, as hereinbefore specified.

Ibid, § 11.
Transfer of
officers.

279. Officers of the engineer corps and of the engineer troops of the Provisional Army, of equal rank, may, with mutual consent, be transferred: *Provided*, The relative rank of no officer of either corps be prejudiced thereby.

XXI. ARTILLERY.

[See *X Reg. Army*, 58 *et seq.*]

May 10, 1861
ch. 7.
Light artill-
ery.

280. That the President may receive into the service of the Confederate States any company of light artillery, which by said act [88] he is authorized to do, with such complement of officers and men, and with such equipments as to him shall seem proper—anything in the said act of the 6th of March, 1861, to the contrary notwithstanding.

April 3, 1862
ch. 17.
Heavy artill-
ery

281. That the act approved May 10th, 1861 [280], entitled "An act to amend an act to provide for the public defence," approved March 6th, 1861, be and the same is hereby so amended as to apply also to companies received into service for duty as heavy artillery.

Ibid, § 2.
All compa-
nies of light
and heavy
artillery.

282. The provisions of this act, and of the act of May 10th, 1861, shall extend to all companies of light and heavy artillery which are now in, or may be hereafter received into the service, and all acts or parts of acts in conflict therewith are hereby repealed.

Jan. 22, 1862
ch. 47.
Officers of
artillery.

283. That the President be and he is hereby authorized to appoint, by and with the advice and consent of Congress, in the Provisional Army, and in the vol-

unteer corps, officers of artillery, above the rank of captain, without reference to the number of batteries under the actual command of the officer so appointed, not to exceed in number, however, one brigadier-general for every eighty guns, one colonel for forty guns, one lieutenant-colonel for every twenty-four guns, and one major for every sixteen guns.

284. That for the purpose of enlarging the number of officers of artillery, and enabling them to discharge more effectually the duties of ordnance officers, the President is hereby authorized to appoint, with the advice and consent of the Senate, officers of artillery, of the rank of captain and first lieutenant, in the Provisional Army, not exceeding eighty in number.

April 21,
1862
ch. 66.
Officers in-
creased.
Ordnance
duties.

285. That the President, by and with the advice and consent of the Senate, may appoint seventy officers of artillery in the Provisional Army, for the performance of ordnance duties, in addition to those authorized by the act [284] entitled "An act to authorize the appointment of officers of artillery in the Provisional Army," approved April twenty-first, eighteen hundred and sixty-two; and that from the whole number of artillery officers appointed to discharge ordnance duties, there shall be one with the rank of lieutenant-colonel for each command composed of more than one army corps, one with the rank of major for each army corps composed of more than one division, and the residue with the rank of captain and of first and second lieutenant in such proportion as the President shall prescribe.

Sept. 16,
1862, ch. 2.
Officers further in-
creased for or-
dnance duties

XXII. MILITARY STOREKEEPERS.

[See 45.]

286. That the President be authorized to appoint as many military storekeepers of ordnance in the Provisional Army of the Confederate States as may be deemed necessary, not to exceed in all eight storekeepers, four with the pay and allowances of a captain of infantry, and four with the pay and allowances of a first lieutenant of infantry.

May 1, 1863
§ 1, ch. 84.
Appoint-
ment, num-
ber, and pay.

Ibid, § 2.
First-class to
give bonds.

287. That military storekeepers of the first-class so appointed shall be required to give bonds in the sum of twenty thousand dollars, and those of the second-class in the sum of ten thousand dollars, when charged with the disbursement of funds. This act shall be in force from and after its passage: *Provided*, That no one shall be appointed under its provisions except officers without commands, or officers or privates who have performed meritorious services in the field, or have become incapacitated by wounds or sickness for active service.

Eligibility.

Feb. 17, 1864
§ 2, ch. 60.
Number in-
creased.

288. There may be appointed six military storekeepers, with the pay and allowances of captains of infantry [70], who shall give such bond for the faithful performance of their duty as may be prescribed by the Secretary of War: *Provided*, That the said storekeepers shall be appointed from persons who are disqualified for active service by reason of wounds received in the military service, or disease contracted while in the army, or from persons over forty-five years of age.

XXIII. PARTISAN RANGERS.

April 21,
1862, § 1,
ch. 63.
Officers to
form bands
of partisan
rangers.

289. That the President be and he is hereby authorized to commission such officers as he may deem proper, with authority to form bands of partisan rangers [292] in companies, battalions, or regiments, either as infantry or cavalry, the companies, battalions, or regiments to be composed each of such numbers as the President may approve.

Ibid, § 2.
Pay, rations,
etc., of parti-
san rangers.

290. That such partisan rangers, after being regularly received into service, shall be entitled to the same pay, rations, and quarters during their term of service, and be subject to the same regulations, as other soldiers.

Ibid, § 3.
Arms and
munitions
of war
captured.

291. That for any arms and munitions of war captured from the enemy by any body of partisan rangers, and delivered to any quartermaster at such place or places as may be designated by a commanding general, the rangers shall be paid their full value in such manner as the Secretary of War may prescribe.

Feb. 17, 1864
§ 1, ch. 54.
Former act
repealed.
Cavalry.

292. That the act of Congress aforesaid be and the same is hereby repealed: *Provided*, That organizations of partisan rangers, acting as regular cavalry at the

passage of this act, shall be continued in their present organization : *Provided*, They shall hereafter be considered as regular cavalry, and not as partisan rangers.

293. That all the bands of partisan rangers organized under the said act may, as the interests of the service allow, be united with other organizations, or be organized into battalions and regiments, with the view to bringing them under the general conditions of the Provisional Army as to discipline, control, and movements, under such regulations as the Secretary of War may prescribe.

Ibid, § 2.
Merged into
army or-
ganization.

294. The Secretary of War shall be authorized, if he deems proper, for a time or permanently, to except from the operation of this act such companies as are serving within the lines of the enemy, and under such conditions as he may prescribe.

Ibid, § 3.
Certain
companies
excepted.

XXIV. SHARP-SHOOTERS.

295. That the Secretary of War may cause to be organized a battalion of sharp-shooters for each brigade, consisting of not less than three nor more than six companies, to be composed of men selected from the brigade or otherwise, and armed with long-range muskets or rifles, said companies to be organized, and the commissioned officers therefor appointed by the President, by and with the advice and consent of the Senate. Such battalion shall constitute parts of the brigades to which they belong, and shall have such field and staff officers as are authorized by law for similar battalions, to be appointed by the President, by and with the advice and consent of the Senate.

April 21,
1862, § 1,
ch. 72.
Battalion for
each brigade

How armed
and organ-
ized.

Officers.

296. That for the purpose of arming the said battalion, the long-range muskets and rifles in the hands of the troops may be taken for that purpose : *Provided*, The government has not at its command a sufficient number of approved long-range rifles or muskets wherewith to arm said corps.

Ibid, § 2.
Arms :
whence ob-
tained.

XXV. PIKEMEN.

297. That the President be and he is hereby authorized to organize companies, battalions, or regiments of

April 10,
1862, § 1,
ch. 22.

Organiza-
tion.

troops, to be armed with pikes, or other available arms to be approved by him, when a sufficient number of arms of the kind now used in the service can not be procured; such companies, battalions, or regiments to be organized in the same manner as like organizations of infantry now are under existing laws.

Ibid, § 2.
To serve as
infantry do.

298. That the President may cause the troops armed and organized as herein provided, to serve as similar organizations of infantry now do, or to attach troops so armed to other regiments in the service, in numbers not exceeding two companies of troops so armed to each regiment. And the colonel of the regiment to which such companies may be attached shall have power to detail men from such companies to take the place of men in the companies armed with fire-arms, whenever vacancies may occur from death or discharge, or in cases of absence from sickness, furlough, or any other cause—the true intent and meaning of this provision being to render every fire-arm in the array available at all times, by having it always in the hands of a well and effective man.

Vacancies in
the compa-
nies armed
with fire-
arms.

Ibid, § 3.
Copy of this
act to be fur-
nished to
every gen-
eral.

299. Immediately after the passage of this act, it shall be the duty of the Secretary of War to furnish a copy of the same to every general in the service.

XXVI. SIGNAL CORPS.

April 19,
1862, ch. 40.
Corps organ-
ized.

300. That the President be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint ten officers in the Provisional Army, of a grade not exceeding that of captains, and with the pay of corresponding grades of infantry [70], who shall perform the duties of signal officers of the Army. And the President is hereby authorized to appoint ten sergeants of infantry in the Provisional Army, and to assign them to duty as signal sergeants. The signal corps above authorized may be organized as a separate corps, or may be attached to the department of the Adjutant and Inspector-General, or to the Engineer corps, as the Secretary of War shall direct.

Sept. 27,
1862, ch. 14.
Corps in-
creased.

301. That the President, by and with the advice and consent of the Senate, may appoint one major, ten first

and ten second lieutenants in the signal corps, and that the Secretary of War may appoint twenty additional sergeants in the said corps.

XXVII. DRILL-MASTERS.

302. Whereas, under the authority of some of the states, drill-masters were attached to various regiments; And whereas such office[r]s are not recognized by the laws of the Confederate States, and consequently were not mustered into service; And whereas several of such drill-masters have nevertheless continued to do effective service, voluntarily, with their respective regiments: Therefore,

Aug. 31, 1861
Res. 7.
Preamble.

Resolved, That such drill-masters be granted an honorable discharge whenever they shall apply therefor.

Honorable
discharge.

303. That the President be and he is hereby authorized and empowered to appoint drill-masters for camps of instruction [176] or reserve forces in any arm of the military service, with such pay as the Secretary of War may prescribe.

April 19,
1862, ch. 46.
For camps of
instruction
and reserve
forces.

XXVIII. BUGLERS AND MUSICIANS.

304. That the President be and he is hereby authorized to appoint a chief bugler or principal musician, according to corps, to each regiment in the Provisional Army.

Dec. 10, 1861
ch. 7. Ap-
pointment of

305. That whenever colored persons are employed as musicians in any regiment or company, they shall be entitled to the same pay now allowed by law to musicians regularly enlisted [75]: *Provided*, That no such person shall be so employed except by the consent of the commanding officer of the brigade to which said regiments or companies may belong.

April 15,
1862, ch. 29.
Pay of
colored
musicians.

XXIX. DISQUALIFIED, DISABLED, AND INCOMPETENT OFFICERS.

306. That whenever, in the judgment of the general commanding a department, the good of the service and the efficiency of his command require it, he is authorized, and it is hereby made his duty, to appoint

Oct. 13, 1862
§ 1, ch. 57.
Examining
board.

Duties.

an examining board, to be composed of officers of a rank at least as high as that of the officers whose qualifications it is proposed to inquire into, which board shall immediately proceed to examine into the cases of such officers as may be brought to their attention for the purpose of determining their qualifications for the discharge of the duties properly appertaining to their several positions.

Ibid, § 2.
Decision of
the board
and report of
its proceed-
ings.

307. That whenever such examining board shall determine that any officer is clearly unfit to perform his legitimate and proper duties, or careless and inattentive in their discharge, then the said board shall communicate their decision, together with the full report of their proceedings in the case, to the general commanding the department in which the examination shall have been held, who shall, if he approve the finding of the board, be authorized to suspend the officer who has been pronounced unfit for his position, and shall immediately transmit to the Secretary of War the decision and proceedings of the examining board, with its own action and opinion endorsed thereon: *Provided*, That such officer shall be entitled to be heard and to call witnesses in his defence.

Ibid, § 3.
Secretary of
War's ap-
proval.

President's
authority.

308. That the Secretary of War, if he approve the finding of the board and the action of the general commanding the department, shall lay the same before the President, who is authorized to retire honorably, without pay or allowances, or to drop from the army, as the circumstances of the case may warrant and the good of the service require, the officer who has been found unfit for his position.

Ibid, § 4.
Monthly re-
ports of the
conduct of
commission-
ed officers.

309. That in order to secure reliable information of the efficiency and competence of officers, it is hereby made the duty of each officer commanding a regiment, separate battalion, company, battery, or squadron, to make to his immediate commanding officer, who shall transmit the same to the brigadier-general commanding, a monthly report in tabular form, a copy whereof shall be retained by the reporting officer, subject to the inspection of all officers interested therein, containing a list of all commissioned officers of such regi-

ment, separate battalion, company, battery, or squadron, in which shall be stated the number of days each officer has been absent from his command, with or without, or on sick leave; the number of times each officer has been observed to have been absent from his command when on march or in action; when and where each officer has been observed to have performed signal acts of service; when and where negligent in the performance of duty and inattentive to the security and economy of public property—printed blank forms of which said reports shall be furnished by the Secretary of War for the use of the officers whose duty it is made to make such reports.

310. That whenever any officer of a company, battalion, squadron, or regiment shall have been dropped or honorably retired, in accordance with the provisions of this act, then the officer next in rank shall be promoted to the vacancy, if competent—such competency to be ascertained as provided in the first and second sections of this act—and if not competent, then the next officer in rank shall be promoted, and so on until all the commissioned officers of the company, battalion, squadron, or regiment shall have been gone through with; and if there be no officer of the company, battalion, squadron, or regiment competent to fill the vacancy, then the President shall, by and with the advice and consent of the Senate, fill the same by appointment: *Provided*, That the officer appointed shall be from the same state as that to which the company, battalion, squadron, or regiment belongs: And *provided, further*, That nothing herein contained shall be construed as limiting the power heretofore conferred upon the President by existing laws to fill any vacancy by the promotion of officers or the appointment of privates “distinguished in the service by the exhibition of extraordinary valor and skill” [105, 157, 158, 382]: And *provided, further*, That vacancies arising under the operation of this act, in regiments or battalions which were organized under the laws of a state for the war, or for a period not yet expired, shall be filled as in case of death or resignation.

Ibid, § 5.
Vacancies;
how filled
where
officers are
dropped or
honorably
retired.

XXX. INVALID CORPS.

Feb. 17, 1864
 § 1, ch. 56.
 Retirement
 or discharge
 of persons
 disabled by
 service.

311. That all officers, non-commissioned officers, musicians, privates, and seamen who have or shall become disabled by wounds or other injuries received, or disease contracted in the service of the Confederate States and in the line of duty, shall be retired or discharged from their respective positions, as hereinafter provided. But the rank, pay, and emoluments of such officers, and the pay and emoluments of such non-commissioned officers, musicians, privates, and seamen shall continue to the end of the war, or as long as they shall continue so retired or discharged.

Ibid, § 2.
 Examination
 before
 medical
 board.

312. That all persons claiming the benefits of this act shall present themselves for examination to one of the medical examining boards now established by law. Upon the certificate of such board that such permanent disability exists, such persons shall be retired or discharged as aforesaid.

Ibid, § 3.
 Periodical
 examination

313. That all persons retired or discharged as aforesaid shall periodically, and at least once in six months, present themselves to one of said boards for further examination, under regulations to be prescribed by the Secretary of War—the result of which examination shall be reported by such board to the said secretary. And if any such person shall fail so to report himself to such board whenever he shall be required so to do, he shall be dropped from said retired or discharged list, and become liable to conscription under the terms of the law, unless such failure shall be caused by physical disability.

Ibid, § 4.
 Assignment
 to suitable
 duty.

314. That the Secretary of War may assign such officers, and order the detail of such non-commissioned officers, musicians, privates, and seamen for such duty as they shall be qualified to perform. If any such non-commissioned officers, musicians, privates, and seamen shall be relieved from disability, they shall be restored to duty in their respective commands.

Ibid, § 5.
 Rules.

315. That the Secretary of War shall make all needful rules and regulations for the action of the medical boards as aforesaid.

316. That vacancies caused by the retirement of officers under this act, shall be filled as in case of the death or resignation of such officers.

Ibid, § 6.
Vacancies.

317. This act shall be in force from its passage.

Ibid, § 7.
Act to be in
force.

XXXI. RETIREMENT OF OFFICERS.

318. That the President be and he is hereby authorized, upon the recommendation of any general commanding a department or any army, to discharge from service any officer of the Confederate States Army, or of the Provisional Army of the Confederate States, who has no command, and can not be assigned to any appropriate duty, or who is incompetent or inefficient,* or who may be absent from his command or duty without leave: *Provided*, That any officer who may be discharged for incompetency, inefficiency, or absence from his command or duty without leave, shall be entitled to a trial before an examining board, under existing laws, if he demands it of the commanding general within thirty days: *Provided, further*, That it shall not extend to any officer who is absent on account of his captivity.

Feb. 17, 1864
ch. 74.
When in-
competent
or without
command.

XXXII. DRUNKENNESS.

319. That any commissioned officer of the Regular or Provisional Army who shall be found drunk, either while on or off duty, shall, on conviction thereof before a court of inquiry [322], be cashiered or suspended from the service of the Confederate States, or be publicly reprimanded, according to the aggravation of the offence; and in addition to a sentence cashiering any such officer, he may also be declared incapable of holding any military office under the Confederate States during the war.

April 21.
1862, § 1,
ch. 62.
Penalty for.

320. That it shall be the duty of all officers to report to the commanding officer of the post, regiment, or corps to which they belong, all cases coming under their observation of intoxication of commissioned officers, whether of superior or inferior grades to themselves; and it shall be the duty of the commanding

Ibid, § 2.
Report of
cases.

Trial.

* See also 306 *et seq.*

officer of the division or brigade to which said post, regiment, or corps belongs, to whom such report may be made, to report the same to the officer commanding the brigade or division, who shall organize said court and order the trial of said offender at the earliest time consistent with the public service.

Ibid, § 3.
Findings of
courts.

321. The findings of any such court shall be promptly transmitted to the Secretary of War, by the commanding officer, together with his approval or disapproval thereof, and shall be reported to Congress at the next session thereafter, by the said secretary.

Feb. 17, 1864
§ 1, ch. 77.
Jurisdiction
conferred on
military
courts and
general
courts-mar-
tial.

322. That the jurisdiction conferred upon courts of inquiry [319], in the act above recited, is hereby repealed, and the said jurisdiction is hereby conferred, for the punishment of the offence therein named, upon the military courts and general courts-martial convened in the Army of the Confederate States; and the proceedings therein shall be subject to review, as in other cases.

Ibid, § 2.
Any citizen
may report
violations of
the act.

323. That any citizen of the Confederate States is hereby authorized to make report of any violation of the provision of the act to which this is an amendment, in the same manner as officers of the army are now required to do.

Ibid, § 3.
Intemperate
habits.

Penalty.

324. Upon any trial for drunkenness it shall be lawful to prove, without special charge, that the accused is of intemperate habits; and if the court shall find that he is of such habits, he shall be cashiered or otherwise punished at the discretion of the court.

XXXIII. ABSENCE WITHOUT LEAVE.*

April 16,
1862, § 1,
ch. 25.
Soldiers ab-
sent without
leave not to
receive pay.

325. That no officer or soldier of the army shall receive pay for any period during which he may be absent without leave, or beyond the leave granted from competent authority, according to the regulations of the army: *Provided*, That this restriction shall not affect the sick and wounded in hospitals.

Ibid, § 2.
Length of
absence to
be stated on

326. In order to enforce the requirements of the foregoing section, it is hereby made the duty of com-

* See also 318.

manding officers of companies to state upon the muster and pay rolls of their companies the length of time any officer or soldier has been absent therefrom, without leave of competent authority, since the previous payment, when the deduction of pay for such absence will be made by the quartermaster from the amount otherwise due the officer or soldier; and any commander of a company who shall fail to note such absence on the muster and pay rolls of the company shall be required to refund to the government the amount forfeited by such absent officer or soldier, unless it shall already have been received from the officer or soldier so absent.

pay and
muster rolls,
and pay for
such time to
be deducted.

327. Officers shall certify upon honor on their pay accounts, whether they have or have not been absent, without leave by competent authority, within the time for which they claim pay; and if absent without leave, they shall state in their certificates the time and period of such absences. In like manner, commanding officers of companies shall certify on honor on their pay accounts that they have stated fully and correctly on the muster and pay rolls of their companies the length of time each officer and soldier of the company has been absent without leave since the last payment of the company.

Ibid. § 3.
Officers to
certify on
honor as to
absence.

Certificate of
command-
ing officers
of companies

328. That this act shall not be construed to relieve any officer or private from any other penalty to which he may be liable by existing laws or regulations.

Ibid. § 4.
As to other
penalties.

XXXIV. PUNISHMENT BY WHIPPING PROHIBITED.

329. That, from and after the passage of this act, it shall not be lawful for any court-martial or military court to cause any soldier in the service of the Confederate States to be punished by whipping, or the infliction of stripes upon his person; and that all laws and customs contravening the provisions of this act be and the same are hereby repealed.

April 13,
1863, § 1,
ch. 19.
Soldiers not
to be pun-
ished by
whipping.

330. That article twenty of the Articles of War* be so amended as to read as follows: "All officers and

Ibid. § 2.
Article of
War "twen-
ty" amend-
ed.

* See Appendix.

soldiers who have received pay, or have been duly enlisted in the service of the Confederate States, and shall be convicted of having deserted the same, shall suffer death or confinement in penitentiary, with or without hard labor, for a period not less than one year, or more than five, or such other punishment, not inconsistent with the provisions of this act, as the court-martial or military court may determine."

XXXV. DETAILED SOLDIERS* AND TRANSFER OF TROOPS.

April 27,
1863, ch. 43.
Pay as clerks
increased to
one dollar
per day.

331. That the extra pay now allowed soldiers detailed to perform the duties of clerks in any of the public offices in the City of Richmond, by reason of their physical disability to serve in the field, shall be increased from twenty-five cents per day to one dollar per day [332 *et seq.*] from and after the passage of this act.

May 1, 1863
§ 1, ch. 72.
Pay increased
to three
dollars per
day, in lieu
of rations
and allowance.

332. That non-commissioned officers, musicians, or privates, when employed on detached or detailed service by a departmental or other commander of a district, or under the direction of any of the military bureaus, instead of the compensation now allowed, may be allowed the sum of not more than three dollars [335] per day, in lieu of rations and all other allowances, upon the recommendation of the officer immediately in charge of such men, with the approval of the commander or chief of bureau, as the case may be, and the sanction of the Secretary of War.

Ibid. § 2.
Duration of
the act.

333. This act shall remain in force for one year [334] from the first day of January, eighteen hundred and sixty-three.

Jan. 6, 1864
ch. 6.
Extended.

334. That the act entitled "An act to provide for the compensation of certain persons therein named," approved May the first, eighteen hundred and sixty-three, which, by its own limitation, would expire on the first day of January, eighteen hundred and sixty-four, be and the same is hereby continued in force un-

* For details for manufacture of shoes, 231, and for pay, see 232.

For details of clerks to quartermasters and commissaries, 172, 203, 204.

For transfer of troops to organizations from their own states, see 167.

til the first of January, eighteen hundred and sixty-five.

335. That the "Act to increase the compensation of certain civil officers and employees in the President's office, and in the Executive and Legislative departments at Richmond, for a limited period," approved January thirtieth, eighteen hundred and sixty-four, be and the same is hereby construed so as to embrace soldiers detailed for clerical duty in Richmond.

Feb. 17, 1864
Res. 43.
Increase of
pay.

336. That it shall be the duty of the Secretary of War to transfer any private or non-commissioned officer who may be in a regiment from a state of this Confederacy other than his own, to a regiment from his own state, whenever such private or non-commissioned officer may apply for such transfer, and whenever such transfer can be made without injury to the public service; and the Secretary of War shall make regulations to facilitate such transfer: *Provided*, That this act shall not apply to any one who has enlisted as a substitute.

Sept. 23,
1862, ch. 5.
Transfer of
troops to
regiments
from their
own states.

337. That whenever the Secretary of War shall grant transfers agreeable to the above act [336] to any soldier now in the service, he shall furnish transportation also.

Oct. 2, 1862
ch. 22.
Transporta-
tion.

XXXVI. PAY AND ALLOWANCES DUE DECEASED SOLDIERS.

338. That the pay and allowances due to any deceased volunteer, non-commissioned officer, musician, or private in the Army of the Confederate States, shall be paid to the widow of the deceased, if living; if not, to the children, if any; and in default of widow or children, to the father, if living, and if not, to the mother of such deceased volunteer.

Feb. 15, 1862
§ 1, ch. 81.
To whom
payment
shall be
made.

339. The pay and allowance due as aforesaid shall be paid by the paymaster or proper officer charged with the payment of the troops, to the person or persons entitled to the same, or to his or her authorized agent, attorney, or guardian, upon the pay-roll [340] made out and certified by the captain or commanding officer of the company to which the deceased was attached, which pay-roll the captain or commanding offi-

Ibid, § 2.
Mode of
payment.

cer as aforesaid shall make out and deliver to the person or persons entitled to such pay and allowance, or to his, her, or their authorized agent, attorney, or guardian, and shall state in such pay-roll the name of the deceased volunteer, the company and regiment to which he was attached, and the date of his enlistment and death; and the paymaster or officer to whom said pay-roll shall be directed shall pay the same according to the tenor thereof, and shall file such pay-roll with the pay-rolls of the army.

Oct. 3, 1862
§ 1. ch. 25.
When payment may be made without producing pay-roll.

340. That claims due to deceased non-commissioned officers and privates for pay, allowances, and bounty, may be audited and paid without the necessity of the parties entitled producing a pay-roll from the captain or commanding officer, when there is other official evidence of the amount due satisfactory to the Second Auditor, under such regulations as he has or may prescribe, with the approval of the Secretary of War.

Ibid. § 2.
Claims of deceased commissioned officers.

341. The claims of deceased commissioned officers shall be paid to their heirs or representatives in the same manner as similar claims of non-commissioned officers and privates are now or may be directed by law to be paid; and to assist the Second Auditor in more effectually carrying out the provisions of this act, and other pressing business of his office, the Secretary of the Treasury is authorized to appoint an experienced accountant who, with the chief clerk, shall have authority to sign and attest such official business as said auditor shall approve and direct.

Ibid. § 3.
Clerks to assist in settling claims.

342. The Secretary of the Treasury is hereby authorized to employ in the office of the Second Auditor as many additional temporary clerks as he may think necessary, to assist said auditor in the settlement of the claims of deceased officers and soldiers—the compensation of said clerks to be four dollars per day, and without any addition whatever, for every day they shall be so actually engaged, except one, whose annual compensation shall be fifteen hundred dollars, the others to be paid weekly at the Treasury, upon a certificate of service of said auditor.

Ibid. § 4.
Clerks to be

343. This act shall take effect from its passage, and

the third section shall continue in force for twelve months and no longer [344]:

employed
for twelve
months.

344. That the third section of an act entitled "An act supplementary to an act concerning the pay and allowance due to deceased soldiers," approved February fifteenth, eighteen hundred and sixty-two [342], and to provide for the prompt settlement of claims for arrearages of pay, allowance, and bounty due deceased officers and soldiers, be continued of force until otherwise provided by Congress.

May 1, 1863
ch. 76.
Employ-
ment con-
tinued until
otherwise
provided by
Congress.

345. That, upon the application of the governor of any of the Confederate States, the Secretary of War be and he is hereby authorized to grant passports and transportation to an officer of such state, duly commissioned according to the law of said state, to communicate with its troops for such purposes, and at such times and places as shall be approved by the Secretary of War; and such officer shall be allowed to purchase for himself supplies from the commissary stores on the same terms with officers of similar rank in the service of the Confederate States, and according to the regulations which govern them: *Provided*, Such supplies shall not exceed those which a colonel of the Confederate States is allowed to purchase: *Provided*, That these agents shall be charged with the duty of obtaining from the officers in command of companies final statements of deceased soldiers, to be filed in the Second Auditor's office to facilitate the settlement of such claims.

Feb. 16, 1864
ch. 39.
State agents.

XXXVII. MILITARY COURTS.

346. That courts shall be organized, to be known as military courts, one to attend each army corps in the field, under the direction of the President. Each court shall consist of three members, two of whom shall constitute a quorum, and each member shall be entitled to the rank and pay of a colonel of cavalry, shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office during the war, unless the court shall be sooner abolished by Congress. For each court there shall be one

Oct. 9, 1862
§ 1, ch. 36.
One to each
army corps.
To consist of
three mem-
bers.

Judge Ad-
vocate.

Judge Advocate, to be appointed by the President, by and with the advice and consent of the Senate, with the rank and pay of a captain of cavalry, whose duties shall be as prescribed by the Rules and Articles of War, except as enlarged or modified by the purposes and provisions of this act, and who shall also hold his office during the war, unless the court shall be sooner abolished by the Congress; and in case of the absence or disability of the Judge Advocate, upon the application of the court, the commander of the army corps to which such court is attached may appoint or detail an officer to perform the duties of Judge Advocate during such absence or disability, or until the vacancy, if any, shall be filled by the President.

Ibid, § 2.
Provost
marshal and
clerk.

347. Each court shall have the right to appoint a provost marshal to attend its sittings and execute the orders of the court, with the rank and pay of a captain of cavalry; and also a clerk, who shall have a salary of one hundred and twenty-five dollars per month, who shall keep the record of the proceedings of the court, and shall reduce to writing the substance of the evidence in each case, and file the same in court. The provost marshal and clerk shall hold their offices during the pleasure of the court. Each member and officer of the court shall take an oath well and truly to discharge the duties of his office to the best of his skill and ability, without fear, favor, or reward, and to support the Constitution of the Confederate States. Each member of the court, the Judge Advocate, and the clerk, shall have the power to administer oaths.

Oath of
members
and officers
of the court.

Ibid, § 3.
Rules of
court.

348. Each court shall have power to adopt rules for conducting business and for the trial of causes, and to enforce the rules adopted, and to punish for contempt, and to regulate the taking of evidence, and to secure the attendance of witnesses, and to enforce and execute its orders, sentences, and judgments, as in cases of courts-martial.

Ibid, § 4.
Jurisdiction
of each court

349. The jurisdiction of each court shall extend to all offences now cognizable by courts-martial under the Rules and Articles of War and the customs of war, and also to all offences defined as crimes by the laws

of the Confederate States or of the several states, and, when beyond the territory of the Confederate States, to all cases of murder, manslaughter, arson, rape, robbery, and larceny, as defined by the common law, when committed by any private or officer in the Army of the Confederate States, against any other private or officer in the army, or against the property or person of any citizen or other person not in the army: *Provided*, Said courts shall not have jurisdiction of offenders above the grade of [357] colonel. For offences cognizable by courts-martial the court shall, on conviction, inflict the penalty prescribed by the Rules and Articles of War, and in the manner and mode therein mentioned; and for offences not punishable by the Rules and Articles of War, but punishable by the laws of the Confederate States, said court shall inflict the penalties prescribed by the laws of the Confederate States; and for offences against which penalties are not prescribed by the Rules and Articles of War, nor by the laws of the Confederate States, but for which penalties are prescribed by the laws of a state, said court shall inflict the punishment prescribed by the laws of the state in which the offence was committed: *Provided*, That in cases in which, by the laws of the Confederate States or of the state, the punishment is by fine or by imprisonment, or by both, the court may, in its discretion, inflict any other punishment less than death; and for the offences defined as murder, manslaughter, arson, rape, robbery, and larceny, by the common law, when committed beyond the territorial limits of the Confederate States, the punishment shall be in the discretion of the court. That when an officer under the grade of brigadier-general, or private, shall be put under arrest for any offence cognizable by the court herein provided for, notice of his arrest, and of the offence with which he shall be charged, shall be given to the Judge Advocate by the officer ordering said arrest, and he shall be entitled to as speedy a trial as the business before said court will allow.

350. Said courts shall attend the army, shall have appropriate quarters within the lines of the army,

Ibid, § 5.
Courts shall
attend the
army.

Decisions
and sen-
tences.

shall be always open for the transaction of business, and the final decisions and sentences of said courts on convictions shall be subject to review, mitigation, and suspension, as now provided by the Rules and Articles of War in cases of courts-martial.

Ibid, § 6.
Appoint-
ments dur-
ing recess of
Senate.

351. That during the recess of the Senate the President may appoint the members of the courts and the Judges Advocate provided for in the previous sections, subject to the confirmation of the Senate at its session next ensuing said appointments.

May 1, 1863
§ 1, ch. 77.
Additional
military
court in each
department.

352. That in addition to one military court to attend each army corps in the field, as now authorized by an act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the power of said courts," approved October ninth, eighteen hundred and sixty-two [346 *et seq.*], one military court shall be organized in each of such military departments as, in the judgment of the President, the public exigencies may require—to be organized in the manner and with powers prescribed in the act of which this is amendatory.

Feb. 13, 1864
ch. 33.
One in North
Alabama.

353. That the act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts" [346 *et seq.*], be so amended as to authorize the President to establish one in North Alabama, which shall sit at such times and places as said court may direct, and shall have all the powers and jurisdiction given to said military courts by said act; but the judges thereof shall give ten days' notice of the times and places of holding said courts before the same are held: *Provided, however,* That said court shall cease to exist after one year from the passage of this act, unless longer continued by Congress.

Feb. 16, 1864
ch. 44.
Additional
courts for
divisions of
cavalry, and
for each
state.

354. That in addition to the military courts now authorized by law, the President be and he is hereby authorized to appoint a military court to attend any division of cavalry in the field, and also one for each state within a military department, whenever, in his judgment, such courts would promote the public interest—which courts shall be organized, and have the

same powers and duties, and the members thereof appointed, as provided by law.

355. That when two or more army corps are united in the same army, charges shall be referred to said courts, and their proceedings be subject to review by the army commander, and in the case of general courts-martial; and that the jurisdiction of each of said courts shall extend to any person connected with the army of which the corps to which the court is attached may be a part, without being limited to members of the particular corps to which said court may be attached.

Feb. 17, 1864
§ 1, ch. 49.
When two
or more
army corps
are united.

Jurisdiction.

356. That when no corps to which any military court may be attached shall, from any cause, cease to exist as such, the Secretary of War shall assign the members and officers of such court to any other unsupplied corps, or other subdivision of any of the armies of the Confederate States, where a military court may be needed; and exchanges and transfers of individual members and officers from any one court to another may be made by the Secretary of War, on application of the parties concerned—the consent of the commander or commanders of the army or armies to which the particular courts may belong having been first obtained to such exchange or transfer.

Ibid. § 2.
Assignment
and transfer
of members
and officers.

357. That the fourth section [349] of the act of which this is amendatory, be and the same is hereby so amended as to extend the jurisdiction of the military courts to all offenders below the grade of lieutenant-general.

Ibid. § 3.
Jurisdiction
extended.

358. That the President be and he is hereby authorized, at any time, to assign judges from one military court to another, as, in his judgment, the service may require.

Feb. 3, 1864
§ 1, ch. 21.
Transfer of
judges.

359. That this act take effect and be in force from and after its passage.

Ibid. § 2. Act
when to take
effect.

360. That commanders of corps and departments be and they are hereby authorized to detail field-officers as members of military courts, whenever any of the judges of said courts shall be disqualified, by consan-

Feb. 6, 1864
ch. 26.
Field-officers
may be de-
tailed as
members,
etc.

guinity or affinity, or unable, from sickness or other unavoidable cause, to attend said courts.

Feb. 17, 1864
§ 1, ch. 69.
Summons of
witnesses.

361. That any military court or court-martial convened within the Army of the Confederate States shall have power to summon as a witness before it any citizen of the state in which said court may at the time hold its session; and any citizen disobeying such summons—upon information given thereof by the Judge Advocate of such military court or court-martial, to the judge of the district court of the Confederate States for the district in which said citizen may reside—shall be subject to the same penalties as for disobedience of an order of said district judge; or, on application of the Judge Advocate, such citizen witness may by military force be arrested and brought before said military court or court-martial, by order of the commander of the army, and may be held in close confinement until he or she shall consent to testify.

Penalty for
disobeying
summons.

Arrest.

Ibid. § 2.
Pay for at-
tendance on
court.

362. That any citizen witness appearing upon being summoned, as provided in this act, shall be paid such reasonable amount for his or her attendance as the commander of the army shall deem reasonable—which payment shall be made by any paymaster, upon the certificate of said commander, specifying the amount.

XXXVIII. INDIAN TROOPS.

Dec. 31, 1861
§ 1, ch. 31.
Payment for
services.

363. That the proper quartermaster in the military department of Indian Territory be authorized to pay the officers and men of the company of Creek mounted volunteers, raised in the month of August, eighteen hundred and sixty-one, by authority of the Commissioner of the Confederate States, for local purposes, at the North Fork village, in the Creek country; and of the Cherokee regiments of Colonels Stand Watie and John Drew, and of the Choctaw and Chickasaw regiment of Colonel Douglas H. Cooper, and of the Creek regiment of Colonel Daniel N. McIntosh, and of the companies of Seminoles raised by the chief, by authority of the same commissioner, and of the other troops called into the service by Colonel Douglas H. Cooper, to aid in suppressing the insurrection of a part of the

Creeks, and of any called into service by the Creek Agent for the same purpose, by direction of the commissioner, for the times during which all of said troops were in the service, after being organized and before being mustered into the service, in the same manner as if they had been mustered in at the respective times when they were organized and received by the commissioner or either of said officers—which payments shall be made upon special pay-rolls for that purpose: *Provided*, That the allowance in lieu of clothing shall be paid only to such of said officers and men as shall have since been or may be mustered into the service, and that none shall be paid who have deserted or disbanded without permission, or have taken sides with the insurrectionists among the Creeks.

Allowance
in lieu of
clothing; to
whom paid.

364. That the accounts of the acting commissaries and quartermasters of all said troops shall be settled and paid in the same manner as if the troops with or for which they acted had been regularly mustered into the service at the time when they were organized and received; and that the debts incurred or moneys advanced by them be paid by the brigade quartermaster of the brigade commanded by Brigadier-General Albert Pike: *Provided, further*, That said accounts shall be also approved by the said brigadier-general, and that the prices paid by them be found by him not to have been excessive or exorbitant, and the debts to have been contracted in good faith, and the moneys actually advanced.

Ibid, § 2.
Accounts of
acting com-
missaries
and quarter-
masters of
said troops;
how to be
settled.

365. That the Quartermaster-General audit and pay the accounts of the acting quartermaster and other officers of the Indian troops for camp utensils, horse equipments, clothing, ordnance, and ordnance stores furnished by Jones and Thebo, and R. M. Jones, for the use of said troops, upon the bills of particulars herewith filed, amounting to eleven thousand two hundred and sixteen dollars and seventy-five cents: *Provided*, That said accounts have been examined and approved by Brigadier-General Albert Pike.

May 1, 1863
Res. 6.
Articles fur-
nished by
Jones and
Thebo, and
R. M. Jones.

XXXIX. VIRGINIA MILITIA.

April 19,
1862, § 1,
ch. 53.
Compensa-
tion allowed
officers for
period of ac-
tual service.

366. That all officers and non-commissioned officers of the Virginia militia, who have been called into the service of the Confederate States by the order of any commanding officer of the Confederate States Army, authorized to make such call, or by the proclamation of the Governor of Virginia, in obedience to requisitions duly made upon him by the President, shall be allowed, under the direction of the Quartermaster-General, compensation for the period of their actual service, according to the rate of pay and allowances to which officers and non-commissioned officers of corresponding grades in the Confederate States Army are by law entitled.

Ibid. § 2.
Certificates
of service
required.

367. Before any officer of militia shall be entitled to receive pay under the provisions of the preceding section, he shall present to the proper officer to whom he may apply for payment, a certificate signed by the commandant of the brigade, regiment, or battalion of militia to which he may have been attached, and approved by the commanding general of the army, corps, or department with which such brigade, regiment, or battalion was serving, which certificate shall state the precise period during which such officer was actually in service and performed duty according to his rank, not including in such period whatever time such officer was absent from duty with his command, unless absent on furlough, or detached or detailed for service by order of the commanding officer. Non-commissioned officers shall be required to present like certificates, signed by the commanding officer of the regiment or battalion to which they belong, before being entitled to receive their pay.

Ibid. § 3.
Pay of staff
officers.

368. All staff officers of the Virginia militia, duly appointed and qualified, according to the laws of Virginia, shall be entitled to receive the same pay and allowances as are provided by law for officers of corresponding grades in the Confederate States Army, upon a like certificate that they have actually been in service and performed the duties prescribed for their

respective grades by the laws of Virginia and the laws and army regulations of the Confederate States.

369. No payments under this act shall be allowed for any period subsequent to the thirtieth day of March, eighteen hundred and sixty-two, nor shall any junior major of a regiment to which two majors may be attached, nor any paymaster or surgeon's mate, be deemed to be entitled to pay or allowances under the provisions of this act.

Ibid. § 4.
No payments to be made in certain cases.

XI. MISCELLANEOUS.

370. That the President be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint twenty general officers in the Provisional Army, and to assign them to such appropriate duties as he may deem expedient.*

Oct. 13, 1862
ch. 64.
Twenty general officers.

371. That the President may appoint one general in the Provisional Army of the Confederate States when, in his discretion, it shall be deemed necessary and proper, for the command of the trans-Mississippi department, by and with the advice and consent of the Senate [563, 564].

Feb. 17, 1864
§ 1, ch. 50.
General for trans-Mississippi department.

372. That the President may, by and with the advice and consent of the Senate, appoint lieutenant-generals in the Provisional Army of the Confederate States when, in his discretion, it shall be deemed necessary for the command of any one of the military departments.†

Ibid. § 2.
Additional lieutenant-generals.

373. That the officers appointed under the provisions of this act shall continue to hold the rank herein provided so long as they shall efficiently discharge the duties in command of said several departments, and no longer, but will resume thereafter their former rank in the service.

Ibid. § 3.
Rank; how long to continue.

374. That adjutants of regiments and legions may be appointed by the President, upon the recommendation of the colonel thereof, of the grade of subaltern, in addition to the subaltern officers attached to companies; and said adjutants, when so appointed,

Aug. 31, 1861
ch. 67.
Adjutants of regiments and legions of the grade of subaltern.

* President authorized to appoint general officers; see 85, 92, 110.

† Lieutenant-generals to be appointed, 93.

shall have the same rank, pay, and allowances as are provided by law to adjutants of regiments.

Oct. 2, 1862
ch. 21.
Adjutants
for battal-
ions, of the
grade of
subaltern.

375. That the provisions of said act [374] shall be extended so as to apply to independent battalions, and that, on the recommendation of the commander of any such battalion, an adjutant of the grade of subaltern may be appointed by the President for said battalion, who is not attached as subaltern to said battalion, and that said adjutant, when so appointed, shall have the same rank, pay, and allowance as are provided by law for adjutants of regiments.

April 16,
1863, ch. 22.
Minors may
be commis-
sioned.

376. That, from and after the passage of this act, commissions in the Army of the Confederate States, and in the Provisional Army of the Confederate States, may be issued to persons under twenty-one years of age, except in the case of officers who are required by law to give bond.

April 4, 1863
ch. 12.
Officers or
soldiers
elected or
appointed to
certain of-
fices, may
resign or be
discharged.

377. That any officer, non-commissioned officer, or private now in the military service of the Confederate States, who has been elected or appointed since entering said service, or who may hereafter be elected or appointed a senator or representative in Congress, or in any state legislature, a judge of the circuit, district, or superior courts of law or equity in any state of the Confederacy, district attorney, clerk of any court of record, sheriff, ordinary, judge of any court of probate, collector of state taxes, not to exceed one for each county, parish recorder, upon furnishing the Secretary of War with evidence of such election or appointment, if an officer, his resignation shall be promptly accepted, and if a non-commissioned officer or private, he shall be honorably discharged by the Secretary of War.

May 1, 1863
ch. 64.
Loss of mus-
ter-rolls;
proof of ser-
vice.

378. That all officers, non-commissioned officers, and privates of any legally constituted military organization, which may have been actually received into the service of the Confederate States by any general officer thereof, but were never legally mustered into service, in consequence of the loss of the muster-rolls of such military organization, shall be entitled to receive pay from the time they were so received:

Provided, The fact of their having been so received into the service, and the time they served, is duly proved to the satisfaction of the Secretary of War, under rules to be prescribed by him.

379. That the oath required of tenable sick, wounded, or other soldiers to receive their pay, may be taken before any quartermaster, who is hereby authorized to administer the same, or before any justice of the peace having jurisdiction, or any other officer having the right, by the laws of the state, to administer oaths.

Oct. 2, 1862
ch. 23.
Oath to enable sick, wounded, or other soldiers to receive their pay.

380. That commutation in lieu of quarters be and the same is hereby allowed to the Superintendent of the "Army Intelligence-Office" and his clerks, at the discretion of the Secretary of War, and under such regulations as may be prescribed by him, and that the extra pay allowed said clerks shall be and is hereby increased from twenty-five to fifty cents per day.

Oct. 13, 1862
ch. 52.
Army intelligence-office.

381. That the President be and he is hereby authorized to bestow medals, with proper devices, upon such officers of the armies of the Confederate States as shall be conspicuous for courage and good conduct on the field of battle; and also to confer a badge of distinction upon one private or non-commissioned officer of each company after every signal victory it shall have assisted to achieve. The non-commissioned officers and privates of the company who may be present on the first dress-parade thereafter may choose, by a majority of their votes, the soldier best entitled to receive such distinction, whose name shall be communicated to the President by commanding officers of the company, and if the award fall upon a deceased soldier, the badge thus awarded him shall be delivered to his widow, or if there be no widow, to any relation the President may adjudge entitled to receive it.

Oct. 13, 1862
ch. 61.
Medals and badges as reward for courage and good conduct.

382. That the President is hereby authorized, upon the recommendation of the general commanding a department or a separate army in the field, to fill any vacancy in the commissioned officers of a regiment or battalion, by the promotion to the same, by and with

Feb. 17, 1864
§ 1, ch. 58.
Promotion for peculiar valor or skill.

the advice and consent of the Senate, of any officer, non-commissioned officer, or private who may have distinguished himself by exhibiting peculiar valor or skill on the battle-field [157, 158, 105]: *Provided*, That the officer, non-commissioned officer, or private so recommended and nominated for promotion shall belong to the regiment or battalion in which the vacancy may have occurred.

Ibid, § 2.
Repeal of
conflicting
laws.
Aug. 21, 1861
Res. 5.
Cavalry
equipments.

383. All acts and parts of acts in conflict with the above provisions are hereby repealed.

384. That the Secretary of War be and he is hereby authorized, in his discretion, to furnish to volunteer cavalry companies, whose services are accepted for the war by the Confederate States, all necessary equipments.

Aug. 21, 1861
ch. 26.
Horses pur-
chased by
order of Col.
Angus W.
McDonald.

385. That the Secretary of War be and he is hereby authorized to cause payment to be made to the vendors, upon an audit of the accounts of certain horses heretofore purchased by order of Colonel Angus W. McDonald, to mount the men he was authorized to raise by order of the President of the Confederate States; and upon the payment of the said accounts said horses shall become the property of the government, and shall be subject to the control of the quartermaster's department: *Provided, however*, That the Quartermaster-General shall be and he is hereby empowered to permit said horses to remain in the possession of the volunteers who now have them, subject to the general law controlling cavalry troops, upon the written agreement of said volunteers that said horses will be paid for by them out of the allowances now made for cavalry troops.

Jan. 22, 1864
ch. 11.
Procuring or
enticing sol-
diers to de-
sert.

386. That every person not subject to the Rules and Articles of War, who shall procure or entice a soldier or person enrolled for service in the Army of the Confederate States to desert; or who shall aid or assist any deserter from the army, or any person enrolled for service, to evade their proper commanders, or to prevent their arrest to be returned to the service; or who shall knowingly conceal or harbor any such deserter; or shall purchase from any soldier or person

Purchase of
arms, cloth-

enrolled for service any portion of his arms, equipments, rations, or clothing, or any property belonging to the Confederate States, or any officer or soldier of the Confederate States, shall, upon conviction before the district court of the Confederate States having jurisdiction of the offence, be fined not exceeding one thousand dollars, and be imprisoned not exceeding two years.

ing, etc.,
from sol-
diers.

387. That when any officer or private of any legally constituted military organization may have heretofore, by order of his proper superior officer, performed any staff duty appropriate to such command, he shall be entitled to receive pay for the time he was so engaged in the discharge of such duties: *Provided*, That there was not then present, fit for duty, any officer duly appointed for the discharge of the same [see also 205].

Feb. 11, 1864
ch. 20.
Officers or
privates to
be paid for
performance
of staff duty.

III.—ARMS AND MUNITIONS.*

388. Contracts for ordnance and arms. Machinery. Agents and artisans. Powder-mills and powder.

389. Arms, etc., acquired from the United States.

390. Repeal of the United States laws relative to arms and military supplies of a patented invention.

391. Authorizing the construction of "Winans' gun."

392. Arms of volunteers.

388. That the President, or Secretary of War under his direction, is hereby authorized and empowered to make contracts for the purchase and manufacture of heavy ordnance and small-arms; and of machinery for the manufacture or alteration of small-arms and munitions of war; and to employ the necessary agents and artisans for those purposes; and to make contracts for the establishment of powder-mills and the manufacture of powder; and the President is authorized to make contracts provided for in this act, in

Feb. 20, 1861
ch. 4.
Contracts
for ordnance
and arms.

Machinery.

Agents and
artisans.
Powder-
mills and
powder.

* For arms captured by partisan rangers, 291. For manufactories of small-arms, saltpetre, etc., 454 *et seq.* For payment for private arms of persons mustered into service, see 153. For armories, 47 *et seq.* For advances on contracts for arms and munitions, see 558.

such manner and on such terms as, in his judgment, the public exigencies may require.

Feb. 28, 1861
§ 2, ch. 22.
Arms, etc.,
acquired
from the
United
States.

389. That the President is hereby authorized to receive from the several states the arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals, and navy-yards of said states, and all other arms and munitions which they may desire to turn over and make chargeable to this government.

May 16, 1861
§ 11, ch. 20.
Repeal of
United
States
law relative
to arms and
military sup-
plies of a
patented in-
vention.

390. That the provision of the third section of the act of the Congress of the United States, making appropriations for the legislative, executive, and judicial expenses of the government for the year ending the thirtieth day of June, A. D. eighteen hundred and sixty-one, approved June twenty-third, eighteen hundred and sixty, which declares that no arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such patented invention (if of force within the Confederate States), shall be suspended in its operation for and during the existing war.

Aug. 6, 1861
ch. 17.
Authorizing
construction
of a machine
known as
"Winans'
Gun."

391. Whereas Charles S. Dickinson alleges that he has invented a machine, generally known as "Winans' Gun," whereby balls can be projected with such force, rapidity, and precision as to render it a valuable implement of war, both in the army and navy:

The Congress of the Confederate States of America do, therefore, enact, That the President be and he is hereby authorized, in his discretion, to cause one machine of this description, calculated to throw balls measuring about three-fourths of an inch in diameter, and weighing about two ounces, to be constructed under the direction of said Dickinson: Provided, that the cost thereof shall not exceed five thousand dollars.

Jan. 22, 1862
Res. 10.
Arms of
volunteers.

392. That the military exigencies of the Confederate States render it absolutely necessary that the arms of the volunteers now in the service should be kept within the control of the President of the Con-

federate States, so that, whenever the present volunteers shall be discharged from service, the arms may be placed in the hands of others.

IV.—FLAG.

393. Described and established.

393. That the flag of the Confederate States shall be as follows: the field to be white, the length double the width of the flag, with the union (now used as the battle-flag) to be a square of two-thirds the width of the flag, having the ground red; thereon a broad saltier of blue, bordered with white, and emblazoned with white mullets or five-pointed stars, corresponding in number to that of the Confederate States.

May 1, 1863
ch. 88.
Described
and estab-
lished.

V.—FORTS AND ARSENALS.

394. Questions and difficulties relating to occupation.
395. Cession to Confederate States recommended.

394. *Resolved, by the Congress of the Confederate States of America, That this government takes under its charge the questions and difficulties now existing between the several states of this Confederacy and the Government of the United States of America relating to the occupation of forts, arsenals, navy-yards, and other public establishments; and that the President of the Congress be directed to communicate this resolution to the several states of this Confederacy through the respective governors thereof.*

Feb. 12, 1861
Res. 5.
Questions
and difficul-
ties relating
to occupa-
tion.

395. *Resolved, by the Congress of the Confederate States, That the Congress do recommend to the respective states to cede the forts, arsenals, navy-yards, dock-yards, and other public establishments within their respective limits, to the Confederate States; and, moreover, to cede so much of the lands reserved heretofore*

March 15,
1861, Res. 19.
Cession to
Confederate
States rec-
ommended.

by the Government of the United States, or other public vacant lands in their respective limits, as may be necessary for timber or lumber for naval or other purposes of public concern; and that the President of Congress be requested to communicate these resolutions and the accompanying report to the governors of the respective states.

Resolved, further, That, in case of such cession, the President be and he is hereby authorized and empowered to take charge of any such property ceded.

VI.—HABEAS CORPUS.

[See "*Clauses of the Constitution*" in Appendix.]

- 396. Power to suspend.
- 397. Limitation as to arrests.
- 398. Duration of the act.
- 399. Power to suspend. Limitation as to arrests.
- 400. Investigation of cases.
- 401. Duration of the act.
- 402. Suspension of writ. Specified cases.
- 403. Investigation of cases.
- 404. Answer to writ.
- 405. Duration of act.

Feb. 27, 1862
ch. 2.
Power to
suspend.

396. *The Congress of the Confederate States of America do enact, That during the present invasion of the Confederate States the President shall have power to suspend the privilege of the writ of habeas corpus in such cities, towns, and military districts as shall, in his judgment, be in such danger of attack by the enemy as to require the declaration of martial law for their effective defence.*

April 19,
1862, § 1,
ch. 44.
Limitation
as to arrests.

397. *That the act [396] authorizing the suspension of the writ of habeas corpus is hereby limited to arrests made by the authorities of the Confederate government, or for offences against the same.*

Ibid, § 2.
Duration of
the act.

398. *That the act which this act is intended to limit shall continue in force for thirty days after the next meeting of Congress, and no longer.*

Oct. 13, 1862
§ 1, ch. 51.
Power to
suspend.

399. *That during the present invasion of the Confederate States the President shall have power to*

suspend the privilege of the writ of *habeas corpus* in any city, town, or military district whenever, in his judgment, the public safety may require it; but such suspension shall apply only to arrests made by the authorities of the Confederate government, or for offences against the same.

Limitation
as to arrests.

400. The President shall cause proper officers to investigate the cases of all persons so arrested, in order that they may be discharged, if improperly detained, unless they can be speedily tried in due course of law.

Ibid, § 2.
Investiga-
tion of cases.

401. This act shall continue in force for thirty days after the next meeting of Congress, and no longer.

Ibid, § 3.
Duration of
the act.

402. Whereas the Constitution of the Confederate States of America provides, in article first, section nine, paragraph three, that "the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it;" and whereas the power of suspending the privilege of said writ, as recognized in said article first, is vested solely in the Congress, which is the exclusive judge of the necessity of such suspension; and whereas, in the opinion of the Congress, the public safety requires the suspension of said writ in the existing case of the invasion of these states by the armies of the United States; and whereas the President has asked for the suspension of the writ of *habeas corpus*, and informed Congress of conditions of public danger which render the suspension of the writ a measure proper for the public defence against invasion and insurrection. Now, therefore,

Feb. 15, 1864
§ 1, ch. 37.
Preamble.

The Congress of the Confederate States of America do enact, That during the present invasion of the Confederate States the privilege of the writ of *habeas corpus* be and the same is hereby suspended; but such suspension shall apply only to the cases of persons arrested or detained by order of the President, Secretary of War, or the general officer commanding the trans-Mississippi military department, by the authority and under the control of the President. It is hereby declared that the purpose of Congress in the passage of this act is to provide more effectually for the public

Suspension
of writ.

safety, by suspending the writ of *habeas corpus* in the following cases, and no others:

Specified
cases.

First—Of treason, or treasonable efforts or combinations to subvert the Government of the Confederate States.

Second—Of conspiracies to overthrow the government, or conspiracies to resist the lawful authorities of the Confederate States.

Third—Of combining to assist the enemy, or of communicating intelligence to the enemy, or giving him aid and comfort.

Fourth—Of conspiracies, preparations, and attempts to incite servile insurrection.

Fifth—Of desertions or encouraging desertions, of harboring deserters, and of attempts to avoid military service: *Provided*, That in cases of palpable wrong and oppression by any subordinate officer, upon any party who does not legally owe military service, his superior officer shall grant prompt relief to the oppressed party, and the subordinate shall be dismissed from office.

Sixth—Of spies and other emissaries of the enemy.

Seventh—Of holding correspondence or intercourse with the enemy without necessity, and without the permission of the Confederate States.

Eighth—Of unlawful trading with the enemy, and other offences against the laws of the Confederate States enacted to promote their success in the war.

Ninth—Of conspiracies, or attempts to liberate prisoners of war held by the Confederate States.

Tenth—Of conspiracies, or attempts or preparations to aid the enemy.

Eleventh—Of persons advising or inciting others to abandon the Confederate cause, or to resist the Confederate States, or to adhere to the enemy.

Twelfth—Of unlawfully burning, destroying, or injuring, or attempting to burn, destroy, or injure any bridge, or railroad, or telegraphic line of communication, or other property, with the intent of aiding the enemy.

Thirteenth—Of treasonable designs to impair the

military power of the government by destroying, or attempting to destroy, the vessels, or arms, or munitions of war, or arsenals, foundries, workshops, or other property of the Confederate States.

403. The President shall cause proper officers to investigate the cases of all persons so arrested or detained, in order that they may be discharged, if improperly detained, unless they can be speedily tried in the due course of law.

Ibid. § 2.
Investigation of cases.

404. That during the suspension aforesaid no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to appear in person, or to return the body of any person or persons detained by him by the authority of the President, Secretary of War, or the general officer commanding the trans-Mississippi department; but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner for any of the causes herein before specified, under the authority aforesaid, further proceedings under the writ of *habeas corpus* shall immediately cease, and remain suspended so long as this act shall continue in force.

Ibid. § 3.
Answer to writ.
*

405. This act shall continue in force for ninety days after the next meeting of Congress, and no longer.

Ibid. § 4.
Duration of the act.

VII.—HOSPITALS: * SICK AND WOUNDED SOLDIERS.

406. Laundresses.

407. Pay of laundresses.

408. Hospital fund; how constituted and managed.

409. Transportation of supplies by railroads and boats.

410. Clothing allowed.

411. Matrons, female nurses, and attendants. Surgeons and assistant surgeons may employ other nurses, cooks, and ward-masters. Soldiers assigned as nurses and ward-masters.

* For hospital surgeons and assistant surgeons, see 207.

For hospital stewards, 42.

For clerk in charge of supplies contributed to hospitals, 43.

For hospital guards and clerks, see 172 *et seq.*

For cooks and nurses for sick and wounded, 244.

For authority of quartermasters to administer oath to sick and wounded soldiers, 379.

- 412. Hospitals; how designated. To what hospitals sick or wounded soldiers shall be sent.
- 413. Pay of cooks, nurses, etc.
- 414. Transportation of sick and wounded soldiers. Provision for water.
- 415. Detail to accompany sick and wounded.
- 416. Commutation value of rations increased. Rules and regulations.
- 417. Idem.
- 418. Way hospitals.
- 419. Furloughs and discharges.
- 420. Idem.
- 421. No passport required other than furlough.
- 422. Discharges and transportation.
- 423. Board of examiners.
- 424. Duty of house surgeons.
- 425. Officers allowed hospital accommodations at one dollar per day.
- 426. When officers shall be without money.
- 427. Accommodations to include subsistence.

Dec. 7, 1861
ch. 3.
Laundresses

406. That superintendents of the different military hospitals be and they are hereby authorized to employ laundresses for the sick and wounded soldiers, at such rates, and in such numbers, as may be prescribed by the War department.

May 1, 1863
§ 2, ch. 86.
Pay of laundresses.

407. That the pay to be hereafter allowed to all laundresses in hospitals or other places, in the service of the Confederate States, shall be twenty-five dollars per month, with rations and quarters, instead of the pay now allowed by law.

Sept. 27, 1862
§ 1, ch. 17.
Hospital fund; how constituted and managed.

408. That the commutation value of rations of sick and disabled soldiers, in the hospitals of the Confederate States, is hereby fixed at one dollar [416, 417], instead of the commutation now allowed by law, which shall constitute the hospital fund, and be held by the commissary, and be paid over by him, from time to time, to the surgeon or assistant surgeon in charge of the hospital of which the soldier, whose ration was commuted, is an inmate, upon the said surgeon or assistant surgeon's requisition, made in writing, when necessary to purchase supplies for said hospital: *Provided, however,* When said sum for any one hospital shall increase over and above the monthly expenditures of the same to an amount exceeding the sum of five thousand dollars, the said commissary shall be required to deposit the said excess over and above the said five thousand dollars in the Treasury of the Confederate States, or such other place of deposit where government moneys are ordered to be kept; which said

deposits, when so made, shall be passed to the credit of the said Confederate States, and be liable to draft as other public moneys are; and all such funds shall be accounted for by the said commissary in his monthly report and abstracts as now required by law: And *provided, further*, That all such surgeons and assistant surgeons who shall receive from the said commissary any part of said hospital fund, to be expended for the use of hospitals, shall be held liable for a faithful application of it, and in a weekly account and abstract, to be made out and forwarded to the office of the Surgeon-General, to be verified in every instance by vouchers, shall show what disposition has been made of it, which account, abstract, and accompanying vouchers, shall be placed on file.

409. That the Secretary of War is hereby authorized and directed to make a contract with the several railroad companies and lines of boats, for the speediest practicable transportation of all supplies purchased for the use of hospitals by agents accredited by the surgeon or assistant surgeon in charge for that purpose, or donations by individuals, societies, or states; and it shall be lawful for the Quartermaster-General to furnish general transportation tickets to such agents upon all railroad trains and canal-boats, when engaged in the actual service of said hospitals, upon the request of the said surgeon or assistant surgeon.

Ibid, § 2.
Transportation of supplies by railroads and boats.

410. That there shall be allowed to each hospital of the Confederate States suits of clothing, consisting of shirts, pantaloons, and drawers, equal to the number of beds in the same, for the use of the sick while in the hospitals, when so ordered by the surgeon or assistant surgeon in charge—which said clothing shall be drawn upon the written requisition of said surgeon or assistant surgeon, and shall be receipted for and kept as hospital clothing, and be accounted for by him as other public property.

Ibid, § 3.
Clothing allowed.

411. That there be allowed to each hospital, with rations and suitable places of lodging, the following matrons, and female nurses and attendants, viz: Two matrons, to be known and designated as hospital

Ibid, § 4.
Matrons, female nurses, and attendants.

matrons in chief, at a salary not to exceed forty dollars per month each, whose general duties shall be to exercise a superintendence over the entire domestic economy of the hospital, to take charge of such delicacies as may be provided for the sick, to apportion them out as required, to see that the food or diet is properly prepared, and all such other duties as may be necessary. Two matrons, to be known and designated as assistant matrons, whose general duties shall be to superintend the laundry, to take charge of the clothing of the sick, the bedding of the hospital, to see that they are kept clean and neat, and perform such other duties as may be necessary, at a salary not to exceed thirty-five dollars per month each. Two matrons for each ward, at a salary not to exceed thirty dollars per month each, to be known and designated as ward-matrons, whose general duties shall be to prepare the beds and bedding of their respective wards, to see that they are kept clean and in order, that the food or diet for the sick is carefully prepared and furnished to them, the medicine administered, and that all patients requiring careful nursing are attended to, and all such other duties as may be necessary. And all surgeons and assistant surgeons in charge of a hospital are hereby authorized to employ such other nurses, either male or female, as may be necessary to the proper care and attention of the sick, at a salary each not to exceed twenty-five dollars per month, and also the necessary cooks, at a salary not to exceed twenty-five dollars each, and one ward-master for each ward, at a salary not to exceed twenty-five dollars per month each, giving preference in all cases to females where their services may best subserve the purpose; and in the event a sufficient number of such nurses and ward-masters can not be employed, not liable to military service, and it shall become necessary to assign to this duty soldiers in the service, then, upon the requisition of such surgeon or assistant surgeon in charge of such hospital, the soldier or soldiers so assigned, who are skilful and competent; shall be permanently detailed to this duty, and shall only be removable for neglect

Surgeons and assistant surgeons may employ other nurses, cooks and ward-masters.

Soldiers assigned as nurses and ward-masters.

or inattention by the surgeon or assistant surgeon in charge: *Provided*, In all cases, that all other attendants and servants, not herein provided for, necessary to the service of said hospital, shall be allowed as now provided by law.

412. That the hospitals of the Confederate States shall hereafter be known and numbered as hospitals of a particular state; and in all cases where the same can be done without injury to the patients or great inconvenience to the government, all sick or wounded soldiers, being citizens or residents of such particular state, shall be sent to such hospital as may represent the same, and to such private or state hospitals representing the same, which may be willing to receive them.

Ibid, § 5.
Hospitals;
how designated. To
what hospitals sick or
wounded
soldiers
shall be sent

413. That all persons authorized to be employed by section fourth of this act [411], who are not engaged in the military service, and whose pay is not now provided for by law, shall be paid monthly by any quartermaster or other person authorized to pay troops in the military service, upon a muster or pay roll to be made out and certified to by the surgeon or assistant surgeon having in charge the hospital or hospitals in which said persons have been employed.

Ibid, § 6.
Pay of
nurses,
cooks, etc.

414. That the Secretary of War is hereby authorized, in such way and manner as he may deem best, and under such rules and regulations as he may prescribe, to enter into and perfect some suitable arrangement with the railroad companies, their officers, or authorized agents, whereby seats in one or more cars of each railroad train, as the necessities of the case may be, shall be reserved for the use of the sick and wounded soldiers who may desire transportation on any such railroad, and that no person not sick or wounded, and not an attendant upon the sick and wounded, shall be permitted to enter any such car or cars so reserved, until the said sick and wounded and their attendants shall first have obtained seats; and also shall perfect some arrangement with the said railroad companies, their officers, or agents, whereby all conductors having in charge any such trains shall be re-

Ibid, § 7.
Transporta-
tion of sick
and wound-
ed soldiers.

Provision for
water.

quired to provide, for the use of the sick and wounded in the cars so reserved, a sufficient quantity of pure water.

Ibid. § 8.
Detail to
accompany
sick and
wounded.

415. That all surgeons and assistant surgeons in charge of a hospital, having in his or their charge any sick or wounded soldier, desiring transportation as aforesaid, shall, in all cases, detail some competent person, acting under his or their authority, whose duty it shall be to accompany all such sick and wounded to the depot of any such railroad, to see that all such are properly cared for, and that they obtain seats on the said car or cars so reserved.

May 1, 1863
§ 1, ch. 86.
Commuta-
tion value of
rations in-
creased.

416. That the commutation value of rations of sick and disabled soldiers of the army shall, from and after the passage of this act, be fixed at one dollar and twenty-five cents each [417], instead of one dollar, as provided in the first section of the above recited act, and that the provisions of this act, and the above recited act, approved September twenty-seventh, one thousand eight hundred and sixty-two, shall be so construed as to apply to all sick and disabled soldiers of the army, whether in hospitals or other places, used in camp or in the field as hospitals; and that it shall be the duty of the Surgeon-General, under the direction of the Secretary of War, to prescribe such rules and regulations in his department as will secure to all sick and disabled soldiers the benefit of the provisions of this and the act to which this is an amendment: *Provided*, That twenty-five cents for each ration so commuted shall not be drawn or appropriated until the Secretary of War shall deem the same necessary to purchase suitable supplies for the use of the sick and disabled of the army.

Feb. 15, 1864
ch. 35.
Idem.

417. That the commutation value of rations of the sick and wounded, and of all employees in hospitals, be fixed at such rates, not to exceed two and a half dollars, as the Secretary of War shall designate.

May 1, 1863
§ 3, ch. 86.
Way hos-
pitals.

418. That, in addition to the hospitals now established, it shall be the duty of the Surgeon-General to establish, at convenient and suitable points of location on the different railroad routes, such other hospitals as

may be necessary to furnish quarters and rations to sick and disabled soldiers who may be permitted to return home on furlough, or after an honorable discharge from the military service; and the hospitals so established shall be known and designated as way hospitals, and shall be furnished with suitable bedding and provisions, and in every respect be under the same rules and regulations of other hospitals.

419. That sick, wounded, and disabled soldiers in hospitals shall be entitled to furloughs and discharges under the following rules and regulations: In places where there are three or more hospitals, three surgeons in charge of hospitals, or divisions in hospitals, shall constitute a board of examiners for the hospitals to which they belong, whose duty it shall be, twice in each week, to visit said hospitals, and examine applicants for furloughs and discharges; and in all cases where they shall find an applicant for furlough unfit for military duty, either from disease or wounds, and likely so to remain for thirty days [420] or upwards, they shall grant a furlough for such time as they shall deem him unfit for duty, not to exceed sixty days. Said board shall keep a secretary or clerk, who shall issue all furloughs by order of the board, and shall specify therein the time of furlough, the place of the residence of the soldier, his company, regiment, and brigade.

May 1, 1863
§ 1, ch. 69.
Furloughs
and dis-
charges.

420. That an act regulating the granting of furloughs and discharges in hospitals, approved May the first, eighteen hundred and sixty-three [419], be and the same is hereby so amended as to provide that the period of disability therein named which entitles soldiers, sick and wounded in hospitals, to furloughs, shall be extended to sixty days or upwards, in which case the board of examiners may grant furloughs for sixty days.

Feb. 17, 1864
ch. 48.
Idem.

421. That no further regulation shall be required of the soldier, and no passport required other than his furlough.

May 1, 1863
§ 2, ch. 69.
No passport
required
other than
furlough.

Ibid, § 3.
Discharges
and trans-
portation.

422. That the said board may recommend discharges, stating the grounds thereof, which, when approved by the Surgeon-General or the general commanding the army or department to which the soldier belongs, shall entitle him to a discharge and transportation to the place of his enlistment or residence.

Ibid, § 4.
Board of
examiners.

423. That in places where there are but two hospitals, two surgeons in charge of a hospital or division shall constitute a board for the purposes aforesaid; and in places where there is but one, the surgeon in charge, and two assistant surgeons, if there be two, and if not, then one, shall constitute a board for the purpose aforesaid, and may furlough and recommend discharges as aforesaid: *Provided*, That no furlough shall be granted under the provisions of this act, if, in the opinion of the board, the life or convalescence of the patient would be endangered thereby.

Ibid, § 5.
Duty of
house sur-
geons.

424. The house surgeon in all hospitals shall see each patient under his charge once every day.

April 29,
1863, § 1,
ch. 47.
Officers al-
lowed hospi-
tal accom-
modations
at one dollar
per day.
Ibid, § 2.
When offi-
cers shall be
without
money.

425. That sick or wounded officers shall be allowed hospital accommodations [427] in any of the hospitals of the Confederate States, at one dollar per diem.

426. When said officer shall be without money, he shall nevertheless be entitled to the same. The surgeon in charge, at the expiration of every thirty days, shall state the account, and be entitled to draw the amount at any place where the officer might have drawn it, which shall be deducted from said officer's pay in the same way as if he himself had drawn it, and any officer drawing the same again shall be punished as in the case of fraudulent drawers.

Feb. 13, 1864
Res. 19.
Accommoda-
tions to in-
clude sub-
sistence.

427. That the true intent and meaning of an act allowing hospital accommodations to sick and wounded officers, approved the twenty-ninth day of April, eighteen hundred and sixty-three [425], were to cause to be furnished not only medicines, medical and other attendance and lodging, but subsistence also.

VIII.—IMPRESSMENTS.

[See "*Employment of Negroes*," 179.]

428. Of forage—articles of subsistence or other property absolutely necessary, authorized. Value of property; how to be ascertained.
429. Payment to be made and certificate to be given by the impressing officer.
430. Value of property; when to be assessed, and how.
431. When the Secretary of War may authorize property to be taken for public use.
432. Commissioners to be appointed in each state—one by the President, and one by the governor. Schedule of prices to be published every two months.
433. Property in the hands of any person other than the raiser or producer; how to be paid for. Cases of disagreement; how decided.
434. Property necessary for the support of the owner and family not to be impressed.
435. Property impressed for temporary use and destroyed, to be paid for.
436. Impressment of slaves; how regulated.
437. Certain slaves not to be impressed except in cases of urgent necessity.
438. Substitute for preceding section.
439. Penalty for violating provisions of this act.
440. Impressing officer to approve or disapprove appraisements. Final valuation.
441. Repeal of foregoing act. Affidavit of owner or agent.
442. Property to be paid for at the time, unless an appeal is taken.
443. Impressing officer to endorse his approval or refusal on appraisalment. Appeal.
444. Commissioners may summon witnesses. Valuation.
445. Oath to be taken.
446. No impressment for benefit of contractors.
447. As to appeals.
448. Impressment of meat.
449. Quantity allowed to be retained. Mode of exercising the powers granted.
450. Notice to be given to owner of the quantity required, etc.
451. Duty of owner on notice being served.
452. Mode of ascertaining quantity and compensation.
453. Certificate of impressing officer. Payment.

428. *The Congress of the Confederate States of America do enact*, That whenever the exigencies of any army in the field are such as to make impressments of forage, articles of subsistence, or other property absolutely necessary, then such impressments may be made by the officer or officers whose duty it is to furnish such forage, articles of subsistence, or other property for such army. In cases where the owner of such property and the impressing officer can not agree upon the value thereof, it shall be the duty of such impressing officer, upon an affidavit in writing of the owner of such property, or his agent, that such prop-

March 26,
1863, § 1,
ch. 10.
Of forage—
articles of
subsistence
or other
property ab-
solutely
necessary,
authorized.

Value of
property;
how to be as-
certained.

erty was grown, raised, or produced by said owner, or is held or has been purchased by him, not for sale or speculation, but for his own use or consumption, to cause the same to be ascertained and determined by the judgment of two loyal and disinterested citizens of the city, county, or parish in which such impressments may be made—one to be selected by the owner, one by the impressing officer; and in the event of their disagreement, these two shall choose an umpire of like qualifications, whose decision shall be final. The persons thus selected, after an oath to appraise the property impressed, fairly and impartially (which oath, as well as the affidavit provided for in this section, the impressing officer is hereby authorized to administer and certify), shall proceed to assess just compensation for the property so impressed, whether the absolute ownership, or the temporary use thereof, only is required.

Ibid. § 2.
Payment to
be made and
certificate to
be given by
the impress-
ing officer.

429. That the officer or person impressing property as aforesaid shall, at the time of said taking, pay to the owner, his agent, or attorney, the compensation fixed by said appraisers; and shall also give to the owner, or person controlling said property, a certificate, over his official signature, specifying the battalion, regiment, brigade, division, or corps to which he belongs; that said property is essential for the use of the army, could not be otherwise procured, and was taken through absolute necessity; setting forth the time and place when and where taken, the amount of compensation fixed by said appraisers, and the sum, if any, paid for the same. Said certificate shall be evidence for the owner, as well of the taking of said property for the public use as the right of the owner to the amount of compensation fixed as aforesaid. And in case said officer or person taking said property shall have failed to pay the owner or his agent said compensation as hereinbefore required, then said owner shall be entitled to the speedy payment of the same by the proper disbursing officer—which, when so paid, shall be in full satisfaction of all

claims against the Government of the Confederate States.

430. Whenever the appraisement provided for in the first section of this act shall, for any reason, be impracticable at the time of said impressment, then and in that case the value of the property impressed shall be assessed as soon as possible, by two loyal and disinterested citizens of the city, county, or parish wherein the property was taken, chosen as follows: one by the owner, and one by the Commissary or Quartermaster-General, or his agent, who, in case of disagreement, shall choose a third citizen, of like qualifications, as an umpire, to decide the matters in dispute—who shall be sworn as aforesaid, who shall hear the proofs adduced by the parties as to the value of said property, and assess a just compensation therefor, according to the testimony.

Ibid, § 3.
Value of
property;
when to be
assessed,
and how.

431. That whenever the Secretary of War shall be of opinion that it is necessary to take private property for public use, by reason of the impracticability of procuring the same by purchase, so as to accumulate necessary supplies for the army, or the good of the service, in any locality, he may, by general order, through the proper subordinate officers, authorize such property to be taken for the public use—the compensation due the owner for the same to be determined, and the value fixed, as provided for in the first and second sections of this act.

Ibid, § 4.
When the
Secretary of
War may
authorize
property to
be taken for
public use.

432. That it shall be the duty of the President, as early as practicable after the passage of this act, to appoint a commissioner in each state where property shall be taken for the public use, and request the governor of such of the states in which the President shall appoint said commissioner, to appoint another commissioner, to act in conjunction with the commissioner appointed by the President, who shall receive the compensation of eight dollars per day, and ten cents per mile as mileage, to be paid by the Confederate Government. Said commissioners shall constitute a board, whose duty it shall be to fix upon the prices to be paid by the government for all property im-

Ibid, § 5.
Commission-
ers to be ap-
pointed in
each state—
one by the
President
and one by
the govern-
or.

Schedule of
prices to be
published
every two
months.

pressed or taken for the public use as aforesaid, so as to afford just compensation to the owners thereof. Said commissioners shall agree upon and publish a schedule of prices every two months, or oftener, if they shall deem it proper; and in the event they shall not be able to agree in any matter confided to them in this act, they shall have power to appoint an umpire to decide the matter in dispute, whose decision shall be the decision of the board; and said umpire shall receive the same rate of compensation for the time he shall serve, allowed to said commissioners respectively: *Provided*, That said commissioners shall be residents of the state for which they shall be appointed; and if the governor of any state shall refuse or neglect to appoint said commissioner within ten days after a request to do so by the President, then the President shall appoint both commissioners, by and with the advice and consent of the Senate.

Ibid. § 6.
Property in
the hands of
any person
other than
the raiser
or producer;
how to be
paid for.

Cases of dis-
agreement;
how decided.

433. That all property impressed or taken for the public use as aforesaid, in the hands of any person other than the persons who have raised, grown, or produced the same, or persons holding the same for their own use or consumption, and who shall make the affidavit as hereinbefore required, shall be paid for according to the schedule of prices fixed by the commissioners as aforesaid. But if the officer impressing or taking for the public use such property and the owner shall differ as to the quality of the article or property impressed or taken as aforesaid, thereby making it fall within a higher or lower price named in the schedule, then the owner or agent and the officer impressing or taking as aforesaid, may select each a loyal and disinterested citizen, of the qualifications as aforesaid, to determine the quality of said article or property, who shall, in case of disagreement, appoint an umpire of like qualifications, and his decision, if approved by the officer impressing, shall be final; but if not approved, the impressing officer shall send the award to the commissioners of the state where the property is impressed, with his reasons for disapproving the same, and said commissioners may

hear such proofs as the parties may respectively adduce, and their decision shall be final: *Provided*, That the owner may receive the price offered by the impressing officer, without prejudice to his claim to receive the higher compensation.

434. That the property necessary for the support of the owner and his family, and to carry on his ordinary agricultural and mechanical business, to be ascertained by the appraisers to be appointed as provided in the first section of this act, under oath, shall not be taken or impressed for the public use; and when the impressing officer and the owner can not agree as to the quantity of property necessary as aforesaid, then the decision of the said appraisers shall be binding on the officer and all other persons.

Ibid. § 7. Property necessary for the support of the owner and family not to be impressed.

435. Where property has been impressed for temporary use, and is lost or destroyed without the default of the owner, the Government of the Confederate States shall pay a just compensation therefor, to be ascertained by appraisers appointed and qualified as provided in the first section of this act. If such property when returned has, in the opinion of the owner, been injured while in the public use, the amount of damage thereby sustained shall be determined in the manner described in the third section of this act, the officer returning the property being authorized to act on behalf of the government; and upon such inquiry, the certificate of the value of the property, when originally impressed, shall be received as *prima facie* evidence of the value thereof.

Ibid. § 8. Property impressed for temporary use, and destroyed, to be paid for.

436. Where slaves are impressed by the Confederate government to labor on fortifications or other public works, the impressment shall be made by said government according to the rules and regulations provided in the laws of the state wherein they are impressed; and, in the absence of such law, in accordance with such rules and regulations, not inconsistent with the provisions of this act, as the Secretary of War shall from time to time prescribe: *Provided*, That no impressment of slaves shall be made when they can

Ibid. § 9. Impressment of slaves; how regulated.

be hired or procured by the consent of the owner or agent [179].

Ibid, § 10.
Certain
slaves not to
be impress-
ed, except
in case of
urgent
necessity.

437. That previous to the first day of December next no slave, laboring on a farm or plantation exclusively devoted to the production of grain and provisions, shall be taken for the public use without the consent of the owner, except in case of urgent necessity.

Feb. 16, 1864,
§ 5, ch. 43.
Substitute
for preced-
ing section.

438. That the tenth section of the act of which this is an amendment be stricken out, and the following inserted instead thereof:

“No slave laboring on a farm or plantation exclusively devoted to the production of grain or provisions shall be taken for public use, without the consent of the owner, except in case of urgent necessity, and upon the order of the general commanding the department in which said farm or plantation is situated.”

March 26,
1863, § 11,
ch. 10.
Penalty for
violating
provisions of
this act.

439. That any commissioned or non-commissioned officer or private who shall violate the provisions of this act shall be tried before the military court of the corps to which he is attached, on complaint made by the owner or other person, and, on conviction, if an officer, he shall be cashiered, and put into the ranks as a private; and if a non-commissioned officer or private, he shall suffer such punishment, not inconsistent with military law, as the court may direct.

April 27,
1863, ch. 44.
Impressing
officer to ap-
prove or dis-
approve ap-
praisements.

440. That in all cases of appraisement provided for in said act [428], the officer impressing the property shall, if he believe the appraisement to be fair and just, endorse upon it his approval; if not, he shall endorse upon it his reasons for refusing, and deliver the same, with a receipt for the property impressed, to the owner, his agent, or attorney, and, as soon as practicable, forward a copy of the receipt and appraisement, and his endorsement thereon, to the board of appraisers appointed by the President and the governor of the state, who shall revise the same and make a final valuation, so as to give just compensation for the property taken, which valuation shall be paid by the

Final
valuation.

proper department for the use of which the property was taken, on the certificate of the appraisers, as provided in the act of which this is amendatory.

441. That the act amendatory [440] of the above recited act (approved April twenty-seventh, eighteen hundred and sixty-three), and so much of the first section of said act [428] as requires an affidavit to be made by the owner or his agent that such property was grown, raised, or produced by said owner, or held, or has been purchased by him, not for sale or speculation, but for his own use or consumption, be and the same is hereby repealed.

Feb. 16, 1864
§ 6, ch. 43.
Repeal of
foregoing
act.

Affidavit of
owner or
agent.

442. That in all cases where property is impressed for the use of the army and navy, or for other public use, under said act, the same shall be paid for at the time of said impressment, unless an appeal shall be taken from said valuation, as hereinafter provided, according to the valuation agreed upon between the parties, or ascertained by loyal and disinterested citizens of the city, county, or parish in which the impressment may be made, in the manner and according to the regulations provided in the first, second, and third sections of the above recited act, or in the eighth section thereof, where it is applicable.

Feb. 16, 1864
§ 1, ch. 43.
Property to
be paid for
at the time
unless an ap-
peal is
taken.

443. Whenever the officer making the impressment of property under the act hereby amended shall believe that the appraisement is fair and just, he shall endorse his approval upon the appraisement, and make payment accordingly; but if he shall believe that it is not fair and just, then he shall refuse to approve, and endorse the reasons of his refusal on the certificate, and shall have the right to appeal from the decision of the appraisers, by reporting the case to the commissioners appointed under said act to which this is an amendment, for their decision, whose judgment shall be final; and in the meantime the property shall be held and appropriated by the officer impressing the same, who shall give a receipt therefor to the owner, who shall also have the right of appeal as herein provided.

Ibid, § 2.
Impressing
officer to en-
dorse his ap-
proval or re-
fusal of ap-
praisement.

Appeal.

444. The said commissioners shall have power to

Ibid, § 3.
Commission-

ers may
summon
witnesses.

summon and examine witnesses to enable them to fix the value of property impressed, which shall be a just compensation for the property so impressed, at the time and place of impressment; and when the commissioners shall have fixed the value of property in cases of appeal, they shall furnish the owner and impressing officer with a statement of such value, which valuation by the commissioners shall be within three months from the time of impressment.

Ibid. § 4.
Oath to be
taken.

445. That said commissioners shall be sworn faithfully to discharge all their duties under this act and the act to which this is an amendment.

Ibid. § 7.
No impress-
ment for
benefit of
contractors.

446. That no impressment shall be made under this act, or the act to which this is amendatory, for the use or benefit of contractors with the government.

Ibid. § 8.
As to ap-
peals.

447. Nothing in this act shall be construed to authorize the impressing officer to enter an appeal from any decision of the local appraisers, under the seventh section of the act to which this is amendatory.

Feb. 17. 1864
§ 1. ch. 52.
Impress-
ment of
meat.

448. That whenever the President shall declare that the public exigencies render it necessary, impressments of meat for the use of the army may be made from any supplies that may exist in the country, under the express condition that just compensation shall be afforded to the owner of the meat taken or impressed, and subjected to the following restrictions and limitations:

Ibid. § 2.
Quantity al-
lowed to be
retained.

449. The power to direct such impressments shall be conferred upon the Secretary of War; but he shall not reduce the supplies of any person below one-half of the quantity usually allowed for the support of himself, his family, and dependents for the year. He shall exercise the said power by orders directed to the officers or agents he may employ, who shall have explicit instructions as to the mode of its execution, and injunctions that the same shall not be abused.

Mode of ex-
ercising the
powers
granted.

Ibid. § 3.
Notice to be
given to
owner of the
quantity re-
quired, etc.

450. That these orders shall direct that a notice shall be given to the owner of the meat needed, his bailee, or other agent, declaring the quantity required, the price offered, the existence of a necessity, and

whether possession is to be taken of the same immediately, and with whom the risk of the safe-keeping is to be, pending the negotiation, and in what manner the compensation shall be settled in case the offer is not accepted—service of which notice shall be a condition precedent to any impressment or seizure by the impressing officer.

451. That upon the service of this notice upon the owner of any meat liable to impressment, the owner shall hold the same, subject to the claim of the Confederate States, and shall be entitled to just compensation, according to the provisions of this act; and if the necessity is declared by the impressing officer to be urgent, he shall deliver the possession to the impressing officer upon his demand, who shall give a receipt therefor, as provided in the sixth section of this act.

Ibid. § 4.
Duty of owner on notice being served

452. That for the ascertainment of the quantity of meat liable to impressment under this act, and also of just compensation for the same, where the owner and impressing officer can not agree, the impressing officer shall appoint one loyal and disinterested citizen of the county, district, or parish in which the meat impressed shall be at the time of impressment; and the owner of the meat so impressed, his agent, or other bailee, shall appoint another, who shall, upon oath, ascertain the quantity liable to impressment, and the value of the same at the date of the notice served upon the party, which oath may be administered by the impressing officer, and which ascertainment of the quantity and value shall be conclusive evidence thereof; and if the assessors can not agree, they may associate with them a third person, of like qualifications, to make said assessments.

Ibid. § 5.
Mode of ascertaining quantity and compensation.

453. That whenever an impressment shall be made under this act, it shall be the duty of the impressing officer to give an official certificate, showing the quantity taken, the company, battalion, regiment, or other command for whose use it is required, the compensation to be paid, the circumstances of necessity that existed—which certificate shall be evidence of a claim

Ibid. § 6.
Certificate of impressing officer.

Payment.

against the Confederate States, and shall be promptly paid by the disbursing officer of the command for which the meat was taken, or by the chief of the bureau having charge of disbursements for similar objects.

IX.—MANUFACTURE OF SALTPETRE AND SMALL-ARMS,* AND MINES FOR THE PRODUCTION OF COAL AND IRON.

454. Establishment of factories. Advances by the government. Conditions.

455. Enlargement of existing factories.

456. Coal and iron mines. Contracts for purchase of coal and iron.

457. Sequestered land on which are mines of copper, iron, etc., etc.

April 17,
1862. § 1,
ch. 34.
Establish-
ment of fac-
tories. Al-
lowances by
the govern-
ment.

Conditions.

454. *The Congress of the Confederate States of America do enact*, That any person or persons who may propose to establish, within the limits of the Confederate States, a manufactory or manufactories of saltpetre, and of small-arms adapted to the use of the army, shall be entitled to receive from the government an advance of fifty per cent. of the amount required for the erection and preparation of the works and machinery necessary to such manufactory or manufactories, to be repaid without interest in the product of such manufactory or manufactories, at a price to be agreed upon before such advance shall be made, and subject to the following conditions, to wit: First, That the contractor or contractors shall submit to the President a plan of the proposed works, showing their location, nature, and extent, together with a sworn estimate of their probable cost, and a detailed account under oath of the amount already expended on the same, which amount shall be at least twenty-five per cent. of the entire estimated cost of such work. Second, That the amount so advanced shall be paid in instalments as the works shall progress toward completion. Third, That the proposed enterprise and works shall be ap-

* See "arms and munitions," 388 *et seq.*

proved by the President. Fourth, That the contractor or contractors shall enter into bond, with sufficient security, to be approved by the President, in the penalty of double the amount proposed to be advanced, and conditioned that the principal obligor or obligors shall well and truly, by a certain time (which may be extended by the President, if he thinks proper) named in the bond, proceed to erect, complete, and put into effective operation the manufactory or manufactories proposed; that he or they will expend the sum named for these purposes; that he or they will appropriate the money advanced by the government to such purpose and to no other use or purpose, and, as far as practicable, keep the property insured; and that he or they will repay the same from the merchantable articles manufactured, to be delivered at such times and in such quantities as may be agreed upon—the same, in all cases, to be inspected by a government officer before it is received—until he or they shall fully repay to the Confederate States, in the article and at the price stipulated for, the sum advanced; that the contractor or contractors shall subscribe a written oath, endorsed upon the back of said bond, which may be administered by any one authorized to administer an oath, that said advance is asked for the purposes specified in this act, and no other, and that he or they will so apply said funds, which may thus be advanced; and a wilful and corrupt violation of this oath shall be deemed perjury, and punishable by imprisonment for not less than three nor more than ten years.

455. The provisions of this act shall apply to cases of enlargement of manufactories of saltpetre and of small-arms now established or being established within the Confederate States, but the advances made in such cases shall only be fifty per cent. upon the amount proposed to be invested in the enlargement of such manufactory or manufactories; and no now existing investment in such manufactory or manufactories shall be computed or taken into account in determining such fifty per cent.

Ibid., § 2.
Enlargement of existing factories.

456. That the provisions of the act entitled "An

April 19,
1862, ch. 41.

Coal and
iron mines.

Contracts
for purchase
of coal and
iron.

April 2,
1863, ch. 11.
Sequestered
land on
which are
mines of
copper, iron,
etc., etc.

act to encourage the manufacture of saltpetre and of small-arms " [454] shall also apply to all establishments or mines for the production of coal, and for the production and manufacture of iron; and that, in addition to the advance of fifty per cent. therein mentioned, the President be and he is hereby authorized to enter into contracts for the purchase of coal and iron, in such quantities as may probably be required for a series of years, not exceeding six, and to make advances thereon not exceeding one-third of the amount of such contract.

457. That any district court of the Confederate States may, in its discretion, direct any of its receivers to lease out any sequestered land within his district, on which are any mines or beds of copper, lead, iron, coal, saltpetre, or other minerals, for a period not exceeding three years, and in such manner and upon such terms as the court may prescribe, and such orders may be made either by the court or by the judge thereof, in vacation.

X.—MISSOURI.

453. Aid extended.
459. Preamble. Co-operation of the President with the state authorities to defend the state. Troops. Officers. Vacancies.
460. Admission of the state upon certain conditions.
461. Recognition of the government of the people and State of Missouri. Alliance.
462. Missouri admitted.
463. First election for representatives to Congress.
464. Number entitled to.
465. Major-general and brigadier-generals for the troops to be raised in Missouri.
466. Pay. Staff. Duty.
467. Act when to take effect.
468. Repeal of act for raising troops in Missouri.
469. One million dollars to be issued on certain conditions.
470. To be deducted from amount due.
471. How to be applied.
472. One million dollars to be issued on certain conditions.
473. To be deducted from amount due.
474. Issue of amount authorized by act of January 27, 1862.
475. Pay of officers and soldiers enrolled under command of Major-General Price.
476. Pay of officers and soldiers of Missouri State Guard.
477. Conditions of payment.
478. Appropriation for certain officers and men of the Missouri State Guard.

458. *The Congress of the Confederate States of America do enact*, That to aid the people of the State of Missouri in the effort to maintain, within their own limits, the constitutional liberty which it is the purpose of the Confederate States in the existing war to vindicate, there shall be and is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, one million of dollars, to supply clothing, subsistence, arms, and ammunition to the troops of Missouri who may co-operate with those of the Confederate States during the progress of the existing war—said sum to be expended under the discretion of the President of the Confederate States, for the purposes aforesaid.

Aug. 6, 1861.
ch. 16. Aid
extended.

459. Whereas the people of the State of Missouri have been prevented, by the unconstitutional interference of the Government of the United States, from expressing their will through their legally constituted authorities in regard to a union with the Confederate States of America, and are now engaged in repelling a lawless invasion of their territory by armed forces; and whereas it is the right and duty of the Confederate States to aid the people and government of the said state in resisting such invasion, and in securing the means and the opportunity of expressing their will upon all questions affecting their rights and liberties; now, therefore,

Aug. 20, 1861
§ 1, ch. 24.
Preamble.

The Congress of the Confederate States of America do enact, That the President of the Confederate States of America be and he is hereby authorized to co-operate, through the military power of this government, with the authorities and the people of the State of Missouri in defending that state against a lawless invasion by the United States, and in maintaining the liberty and independence of her people; and that he be authorized and empowered, at his discretion, to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that state as may volunteer to serve in the Army of the Confederate States, subject to the rules and regulations of said army, and in accordance with the laws of Congress;

Co-operation
of the Presi-
dent with
the state
authorities
to defend
the state.

Troops.

Officers.

and said troops may be received into service by companies, battalions, or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered into service said companies, battalions, or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field-officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their organization into regiments, and to appoint the additional field-officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur among the commissioned officers of troops mustered into service under this act shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the Army of the Confederate States of America," approved sixth March, eighteen hundred and sixty-one [10].

Vacancies.

Ibid, § 2.
Admission of
the state
upon certain
conditions.

460. That the State of Missouri shall be admitted a member of the Confederate States of America, upon an equal footing with the other states under the constitution for the provisional government of the same, upon the condition that the said constitution for the provisional government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said state, and the governor of said state shall transmit to the President of the Confederate States an authentic copy of the proceedings touching said adoption and ratification by said state of said provisional constitution; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings upon the part of Congress, the admission of said State of Missouri into this Confederacy, under said constitution for the provisional government of the Confederate States, shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State of Missouri as fully

and completely as over other states now composing the same.

461. That the Congress of the Confederate States recognize the government of which Claiborne F. Jackson is the chief magistrate to be the legally elected and regularly constituted government of the people and State of Missouri, and that the President of the Confederate States be and he is hereby empowered, at his discretion, at any time prior to the admission of the said state as a member of this Confederacy, to perfect and proclaim an alliance, offensive and defensive, with the said government, limited to the period of the existing war between this Confederacy and the United States—the said treaty or alliance to be in force from the date thereof, and until the same shall be disaffirmed or rejected by this Congress.

Ibid, § 3.
Recognition
of the gov-
ernment of
the people
and State of
Missouri.

Alliance.

462. That the State of Missouri be and is hereby admitted as a member of the Confederate States of America, upon an equal footing with the other states of the Confederacy, under the constitution of the provisional government of the same.

Nov. 28, 1861
ch. 1.
Missouri ad-
mitted.

463. In case the State of Missouri shall adopt and ratify the constitution for the permanent government of the Confederate States of America, the time for holding in said state the first election for members of the House of Representatives, in the Congress of said Confederate States, under said constitution, shall be such as may be designated by the legislature of said state; which election shall be conducted, in all respects, according to said constitution and the law of said state, then in force for that purpose; and if no provision by law shall have been made for such election, then according to the laws heretofore existing therein for the election of members of the House of Representatives in the Congress of the United States.

Nov. 28, 1861
§ 1, ch. 2.
First elec-
tion for
Representa-
tives to
Congress.

464. The State of Missouri shall be entitled to elect thirteen members to the House of Representatives, the same being upon the basis of one member for every ninety thousand representative population, and one additional member for a fraction over one-half of

Ibid, § 2.
Number
entitled to.

the ratio aforesaid, under the census of the United States taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original states in said constitution for permanent government.

Jan. 22, 1862
§ 1, ch. 45.
Major-general and
brigadier-generals for
the troops to
be raised in
Missouri.

465. [That the President be and is hereby authorized to nominate, and, by and with the advice and consent of Congress, to appoint and commission, in the Provisional Army of the Confederate States, one major-general and such brigadier-generals to the command of troops, now and hereafter to be raised and organized for the Provisional Army in the State of Missouri, as he may think proper.

Ibid, § 2.
Pay.

466. All officers appointed under the provisions of this act shall be entitled to receive pay from the date of their respective appointments, and shall be allowed the usual staff appropriate to their rank; and shall be assigned to the duty of raising and organizing Confederate forces in said state, with the view of putting them and their respective commands in the field at the earliest practicable period.

Ibid, § 3.
Act to take
effect.

467. This act to take effect from and after its passage.]*

Feb. 17, 1862
ch. 84.
Repeal of
act for rais-
ing troops in
Missouri.

468. That an act entitled "An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States," endorsed, "passed January ninth, eighteen hundred and sixty-two" [465], be and the same is hereby repealed.

Jan. 27, 1862
§ 1, ch. 56.
One million
dollars to be
issued on
certain con-
ditions.

469. That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said state, one million dollars in treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legisla-

* The foregoing act, presented to the President on the 9th of January, 1862, was not approved by him, nor returned to the Congress within ten days (Sundays excepted) after being presented to him; it therefore became a law on the 22d January, 1862, but was repealed. See 378.

ture of said state, entitled "An act to provide for the defence of said state, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted, as Congress may direct.

470. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said state.

Ibid. § 2.
To be de-
ducted from
amount due.

471. The sum hereby appropriated shall be applied by the State of Missouri to the payment of troops in the service of the said state prior to their muster into the Confederate service.

Ibid. § 3.
How to be
applied.

472. That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said state, one million dollars in treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legislature of said state, entitled "An act to provide for the defence of the State of Missouri, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for the advances made for military purposes are adjusted, as Congress may direct.

Feb. 15, 1862
§ 1, ch. 73.
One million
dollars to be
issued on
certain con-
ditions.

473. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said state.

Ibid. § 2.
To be de-
ducted from
amount due.

474. That the Secretary of the Treasury be authorized to issue to the State of Missouri the sum of one million of dollars, authorized by an act entitled "An act for the relief of the State of Missouri," approved the twenty-seventh of January, eighteen hundred and sixty-two [469], upon the authorized agent or agents of said state first filing with said secretary the sum of four hundred and ninety-one thousand five hundred dollars, in bonds of said State of Missouri, as provided

April 9, 1862
ch. 21.
Issue of
amount
authorized
by act of
January 27,
1862.

in said act, and executing a receipt for the remainder of such advance, conditioned for the filing of the remainder of said amount in bonds of the State of Missouri, whenever the same can be conveniently done: *Provided*, Such remainder in bonds shall be filed with said secretary within six months after the passage of this act.

Sept. 23. 1862
§ 1, ch. 7.
Pay of
officers and
soldiers en-
rolled under
command of
Major-Gen'l
Price.

475. That all officers and soldiers belonging to the Confederate States service who were enrolled into said service under the command of Major-General Sterling Price, in the State of Missouri, shall be allowed by the quartermasters of the respective corps in the Confederate Army to which such officers and soldiers may belong, compensation according to the laws of the Confederate States for that period of their service between the time of such troops having been actually enrolled in the Confederate service and the time of their regular acceptance by the proper authorities as Confederate troops.

Ibid, § 2.
Pay of
officers and
soldiers of
Missouri
State Guard.

476. All officers and soldiers of the Missouri State Guard, called into the service of the Confederate States by the order of any commanding officer of the Confederate Army, and rendering service to the Confederate States under any agreement made between the authorities of the State of Missouri and those of the Confederate States, shall receive the same pay for the time during which such officers and soldiers may have been in such service as they would have been entitled to receive if belonging to the Confederate Army: *Provided, however*, That all staff officers belonging to said Missouri State Guard shall only receive for their services the same compensation with staff officers discharging like duties in the Confederate Army.

Ibid, § 3.
Conditions
of payment.

477. Before any officer or soldier shall be entitled to receive pay under the provisions of the two preceding sections, he shall present to the officer to whom he may apply for payment, a certificate signed by the commandant of the division, brigade, regiment, or battalion to which he may have belonged at the time of the rendition of service, which certificate shall state the precise period during which such officer or

soldier was in actual service, as contemplated in the first and second sections of this act: And *provided, further*, That the said officer or soldier shall file with the disbursing officer with whom his application for payment may be made his affidavit that the period stated in said certificate is the true and correct time of his actual service as aforesaid, and that he is not indebted to the Confederate States on any account whatever; and thereupon it shall be the duty of any officer charged with the payment of troops to pay such claim.

478. That the sum of seventy-five thousand dollars be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the officers and men of the Missouri State Guard (after their transfer to the Confederate States) who, from imprisonment, absence, and other accidental causes, have not received their pay, under such rules and regulations as the Secretary of War may prescribe.

April 16,
1863, ch. 31.
Appropriation for certain officers and men of the Missouri State Guard.

XI.—NATURALIZATION.

479. Protection of aliens while in military service. Right to become naturalized. Oath.

480. Who may administer oath. Blank forms of oath. Soldiers to be informed of this act. Oaths to be filed and recorded.

479. That every person not a citizen of one of the Confederate States engaged in the military service of the said Confederate States during the existing war against the United States of America, shall thereby, and whilst in such service, be under the protection of the Confederate States as fully as if he were a citizen thereof, the rights of a citizen being to such extent hereby conferred, and moreover shall have the right to become naturalized, and to become a citizen of any one of the Confederate States, and shall thereby be entitled to all the rights and privileges of a citizen of said state of the Confederate States, upon taking an oath to support the constitution of such state, and well

Aug. 22,
1861, § 1,
ch. 37.
Protection of aliens while in military service.

Right to become naturalized.

Oath.

and faithfully to serve the Confederate States of America, to maintain and support the constitution and laws thereof, and to renounce all allegiance and obedience to any foreign government, state, sovereignty, prince, or potentate, and particularly, by name, the government, state, sovereignty, prince, or potentate of which he may be, or have been, a citizen or subject, and stating which one of the Confederate States he intends to become a citizen of; but if the state in which the said applicant shall have resided next before his application shall afterwards become a member of this Confederacy, the citizenship of said applicant shall remain in said state at his election, notwithstanding proceedings under this act.

Ibid, § 2.
Who may
administer
the oath.

480. The oath prescribed in the preceding section may be made by all persons below the rank of colonel, before the colonel or commanding officer of the regiment to which such persons may be attached; and said oath may be made by colonels, and all officers superior in rank to colonels, and by all persons enlisted in the military service of the Confederate States not attached to regiments, before any commissioned officer of the Confederate States of rank higher than that of colonel. And it shall be the duty of the Secretary of War to provide blank forms of the oath required to be taken as aforesaid, and to cause the same to be distributed whenever necessary, and to make the regulations necessary for informing all persons now engaged in the military service of the Confederate States of the provisions of this act, and to cause all the oaths so taken as aforesaid to be returned to the War department: And it shall be further the duty of the Secretary of War to file for record, in the district court of the Confederate States for the state and district where the capital may be situated, all the oaths so returned to the War department as aforesaid. And it shall be the duty of the clerk of said district court to record all oaths of naturalization filed with him as aforesaid, and to keep an index of the same; for which service he shall be entitled to a fee of twenty-five cents for each naturalization oath, to

Blank forms
of oath.

Soldiers to
be informed
of this act.

Oaths to be
filed and
recorded.

be paid out of the public treasury in the same manner as his other fees of office.

XII.—NITRE AND MINING BUREAU.

- 481. Corps of officers for the working of nitre caves, etc.
- 482. Their duties. Superintendent to make reports. Organization.
How long to continue.
- 483. Nitre bureau established.
- 484. Duties and expenditures. Powers of superintendent as to contracts, etc.
- 485. Officers of the Nitre bureau.
- 486. Appointment of officers during recess of the Senate.

481. That for the purpose of procuring a supply of nitre, adequate to the wants of the government during the continuance of the war with the United States, the President be and he is hereby authorized to appoint a corps of officers, consisting of one superintendent, with the rank, pay, and allowances of a major of artillery, four assistants, with the rank, pay, and allowances of a captain of artillery, eight subordinates, with the rank, pay, and allowances of first lieutenants of artillery.

April 11,
1862, § 1,
ch. 26.
Corps of officers for the working of nitre caves, etc.

482. The duties of the officers, under the supervision of the Chief of Ordnance, shall be to inaugurate and prosecute a system for the efficient working of the nitre caves, and to purchase and contract for the delivery of nitre produced within the limits of the Confederate States; to inspect the nitre caves and other natural deposits of nitriferous earth, and to report the probable annual supply from these sources, and the extent and economy, or otherwise, with which they are now being worked by private enterprise; to establish nitre beds in the vicinity of the principal cities and towns of the Confederacy, and to contract for the necessary grounds, sheds, etc., and for the offal and other materials used in the preparation of nitre beds; to diffuse information and to stimulate enterprise in the production of an article essential to the successful prosecution of the war. The superintendent will make reports, at stated periods, to the Chief of Ord-

Ibid. § 2.
Their duties.

Superintendent to make reports.

Organiza-
tion; how
long to
continue.
April 22,
1863, § 1,
ch. 35.
Nitro
bureau es-
tablished.

Ibid, § 2.
Duties and
expendi-
tures.

Powers of
superintend-
ent as to
contracts,
etc.

Ibid, § 3.
Officers of
the Nitro
bureau.

May 1, 1863
§ 1, ch. 87.
Appoint-
ment of offi-
cers during
recess of
Senate.

nance, to be submitted to the Secretary of War for the information of Congress. This organization to be continued at the discretion of the President.

483. That the officers authorized and appointed under the act entitled "An act for the organization of a corps of officers for the working of nitre caves, etc.," passed the eleventh of April, one thousand eight hundred and sixty-two [481], together with such additional officers as are authorized by the provisions of this act, shall constitute an independent bureau of the War department, to be entitled "the Nitro and Mining bureau."

484. That said bureau shall have charge of all the duties prescribed in the second section of said act, and shall, besides, be charged with all duties and expenditures connected with the mining of iron, copper, lead, coal, etc., so far as it shall be deemed necessary to supply the military necessities of the country; and the superintendent thereof shall, under the Secretary of War, have full power to make such leases of real estate and purchases of fixtures as are necessary or appurtenant to any mines it may deem expedient to open or work on government account; and may also contract, subject to the approval of the Secretary of War, for such supplies, by purchase or otherwise, of all copper, lead, iron, coal, zinc, and such other minerals as may be required for the prosecution of the war.

485. That said bureau shall consist of one lieutenant-colonel as superintendent, three majors as assistant superintendents, six captains and ten lieutenants, in which shall be included the officers of the present nitro corps, who shall have the same pay and allowances prescribed for officers of cavalry [71] of the same grades.

486. That the President be and he is hereby authorized to appoint officers in the Nitro bureau and in the engineer troops during the recess of the Senate, to be confirmed by the Senate at its next session, and the commissions of the officers so appointed shall expire at the end of the next session of the Senate, unless the same be confirmed.

XIII.—NORTH CAROLINA.

487. First regiment of North Carolina Volunteers received into Confederate States service for six months.

488. Cadets of the North Carolina Institute.

489. "Lumberton Guards."

490. Payment of North Carolina troops.

487. That the President be and he is hereby authorized to receive and muster into the service of the Confederate States of America, the First Regiment of North Carolina Volunteers, now stationed at Yorktown, for the term of six months from the time they were sworn in and mustered into the service of North Carolina, and to discharge them after the expiration of that period; said period to commence at the time the first company of said regiment was mustered into the service of North Carolina.

July 30, 1861
Res. 2.
1st regiment
of N. C. vol-
unteers re-
ceived into
C. S. service
for six
months.

488. That the cadets from the North Carolina Institute, at Charlotte, who may have been acting with said regiment, be mustered into service in the same manner as the residue of the regiment, and recognized as part thereof, with the pay of privates.

Ibid, § 2.
Cadets of
the N. C.
Institute.

489. Whereas, it appears that the company of volunteers known as Company D, of the second regiment of North Carolina Volunteers, now serving at Sewell's Point, in Virginia (having been organized prior to the admission of the State of North Carolina into the Confederacy), was enlisted for the period of six months only, and has been erroneously enrolled for the period of twelve months:

Dec. 3, 1861
Res. 2.
"Lumberton
Guards"
(Company
D, 2d regi-
ment N. C.
Volunteers).

Resolved, by the Congress of the Confederate States of America, That the President be and he is hereby authorized to discharge the said company at the expiration of six months from the period when they were sworn in and mustered into the service of North Carolina, according to the terms of their enlistment as aforesaid.

To be dis-
charged;
when.

490. That the troops heretofore raised by the State of North Carolina, and afterwards received into the service of the Confederate States by the Confederate States, shall be paid from the date of their enlistment.

May 1, 1863
ch. 65.
Payment of
N. C. troops.

XIV.—PRESIDENT.

- 491. To assume control of military operations.
- 492. Personal staff.
- 493. Officer to sign commissions in the army.
- 494. Personal staff increased.
- 495. Empowered to make appointments during recess of Congress.
- 496. Construction of the foregoing act.
- 497. Certain appointments to be continued.
- 498. Idem.
- 499. Authority to make appointments.

Feb. 28, 1864
§ 1, ch. 22.
To assume
control of
military
operations.

491. *The Congress of the Confederate States of America do enact, That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defence, the President be and he is hereby authorized and directed to assume control of all military operations in every state, having reference to or connection with questions between said states, or any of them, and powers foreign to them.*

Aug. 21, 1861
§ 4, ch. 34.
Personal
staff.

492. That during the existing war the President may, as commander-in-chief of the forces, appoint, at his discretion, for his personal staff, two aides-de-camp [494], with the rank, pay, and allowanees of a colonel of cavalry.

Dec. 7, 1861
ch. 4.
Officer to
sign com-
missions in
the army.

493. That the President be and he is hereby authorized to delegate power to one or more officers, to be selected by him, to affix the signature of the President to commissions in the army.

April 2, 1862
ch. 14.
Personal
staff
increased.

494. That during the existing war the President may, as commander-in-chief of the forces, appoint, at his discretion, for his personal staff, four aides-de-camp [492], in addition to the number now allowed by law, with the rank, pay, and allowanees of a colonel of cavalry.

March 16,
1861, ch. 60.
Empowered
to make ap-
pointments
during re-
cess of Con-
gress.

495. That during the recess of this Congress the President shall have power to make appointments of such inferior officers as by the Constitution of this Provisional Government the Congress has authority to vest in him alone, anything in any law heretofore passed to the contrary notwithstanding.

March 16,
1861, ch. 69.
Construct-
ion of the fore-
going act.

496. That the act described in the caption hereof [495] shall be held and construed to authorize the President to appoint, during the recess of Congress,

all officers, civil, military, and naval, established by law: *Provided*, Such appointments shall be submitted to the Congress when it reassembles, for its advice and consent.

497. That the President be authorized to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.

May 16, 1861
ch. 23.
Certain ap-
pointments
to be con-
tinued.

498. That the President be authorized to continue the appointments made by him in the military and naval service, during the recesses of Congress, or during the last or present session, and to submit them to Congress at the commencement of its next session.

Sept. 3, 1861
ch. 1.
Idem.

499. That the President be and he is hereby authorized to fill, by appointment, all offices created, and all vacancies which may have occurred, during the present session of Congress: *Provided*, That said appointments shall, at the next session of Congress, be submitted to the Senate for its advice and consent: And *provided, further*, That said appointments shall expire unless confirmed during the next session of the Senate.

Oct. 13, 1862
ch. 53.
Authority to
make ap-
pointments.

XV.—PRISONERS OF WAR.

[See "*Retaliation*," 508 *et seq.*]

500. Preamble. Retaliation authorized.

501. Aid in money.

502. Transfer by the captors. Safe custody and sustenance. Rations.

503. Commissary-General to provide sustenance.

500. Whereas the Government of the United States has placed in irons and lodged in dungeons citizens of the Confederate States acting under the authority of letters of marque, issued in accordance with the laws of the Confederate States, by the President thereof, and have otherwise maltreated the same, and have seized and confined sundry other citizens of the said Confederate States, in violation of all principles of humane and civilized warfare: Therefore,

Aug. 30, 1861
ch. 55.
Preamble.

Retaliation
authorized.

Be it enacted by the Congress of the Confederate States of America, That the President be and he is hereby authorized to select such prisoners taken from the United States, and in such numbers as he may deem expedient, upon the persons of whom he may inflict such retaliation, in such measure and kind, as may seem to him just and proper.

March 25,
1862, Res. 5.
Aid in
money.

501. That the Secretary of War be authorized to apply, out of the contingent fund of the War department, such sums of money, from time to time, as, in his judgment, may be necessary for the aid of prisoners of war in the hands of the enemy: *Provided*, That all sums paid any prisoner, or expended for him, shall be charged to his account.

May 21, 1861
§ 1, ch. 59.
Transfer by
the captors.

502. That all prisoners of war taken, whether on land or at sea, during the pending hostilities with the United States, shall be transferred by the captors, from time to time and as often as convenient, to the Department of War; and it shall be the duty of the Secretary of War, with the approval of the President, to issue such instructions to the Quartermaster-General [503] and his subordinates as shall provide for the safe custody and sustenance of prisoners of war; and the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the Army of the Confederacy.

Safe custody
and suste-
nance.

Rations.

Feb. 17, 1864
ch. 47.
Commissary
General to
provide sus-
tenance.

503. That so much of the act of Congress, passed May the twenty-first, eighteen hundred and sixty-one [502], as makes it the duty of the Quartermaster-General, under instructions issued by the War department, to provide for the sustenance of prisoners of war, is hereby repealed, and hereafter that that duty shall devolve on the Commissary-General of Subsistence, and be discharged by him, subject to the provisions of the act referred to.

XVI.—PRODUCTION OF PROVISIONS.

504. Preamble. Recommending the production of provisions.

505. President requested to issue a proclamation.

504. Whereas a strong impression prevails through the country that the war now being waged against the people of the Confederate States may terminate during the present year; and whereas this impression is leading many patriotic citizens to engage largely in the production of cotton and tobacco, which they would not otherwise do; and whereas, in the opinion of Congress, it is of the utmost importance, not only with a view to the proper subsistence of our armies, but for the interest and welfare of all the people, that the agricultural labor of the country should be employed chiefly in the production of a supply of food to meet every contingency: Therefore,

April 4, 1863
§ 1, res. 2.
Preamble.

Resolved, by the Congress of the Confederate States of America, That it is the deliberate judgment of Congress that the people of these states, while hoping for peace, should look to prolonged war as the only condition proffered by the enemy short of subjugation; that every preparation necessary to encounter such a war should be persisted in; and that the amplest supply of provisions for armies and people should be the first object of all agriculturalists; wherefore it is earnestly recommended that the people, instead of planting cotton and tobacco, shall direct their agricultural labor mainly to the production of such crops as will ensure a sufficiency of food for all classes and for every emergency, thereby, with true patriotism, subordinating the hope of gain to the certain good of the country.

Recommending the production of provisions.

505. That the President is hereby requested to issue a proclamation to the people of these states, urging upon them the necessity of guarding against the great perils of a short crop of provisions, and setting forth such reasons therefor as his judgment may dictate.

Ibid, § 2.
President requested to issue a proclamation.

XVII.—PROPERTY DESTROYED.

506. Cotton, tobacco, etc., may be destroyed; when.

507. Perpetuation of testimony. Indemnity out of sequestration fund.

March 17,
1862, § 1, ch.
5. Cotton,
tobacco, etc.,
may be
destroyed;
when.

506. That the military authorities of the Confederate Army are hereby authorized and directed to destroy cotton, tobacco, military and naval stores, or other property of any kind whatever, which may aid the enemy in the prosecution of the war, when necessary to prevent the same, or any part thereof, from falling into the hands of the enemy.

Ibid, § 2.
Perpetua-
tion of testi-
mony.

507. That the owners of property destroyed under the operation of this act, as well as those persons who shall voluntarily destroy their property to prevent the same from falling into the hands of the enemy, are hereby authorized to perpetuate the testimony of such destruction, in the manner prescribed by an act of the Provisional Congress, entitled "An act to perpetuate the testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them," approved thirtieth August, eighteen hundred and sixty-one;* and such owners and persons shall be entitled to indemnity out of the proceeds of property sequestered and confiscated under the laws of the Confederate States, in such manner as Congress may hereafter provide.

Indemnity
out of se-
questration
fund.

XVIII.—RETALIATION.

[See "*Prisoners of War*," 500 *et seq.*]

508. Captives ought to be dealt with by the Confederate government.

509. Acts of United States authorities in regard to slaves.

510. Violation by the enemy of the usages of war.

511. Officers of the enemy commanding negroes; how punished.

512. Punishment for exciting servile insurrection.

513. Trial of offenders.

514. Negroes engaged in war to be delivered to state authorities when captured.

May 1, 1863
§ 1, Res. 5.
Captives
ought to be

508. *Resolved, by the Congress of the Confederate States of America*, in response to the message of the Presi-

dent, transmitted to Congress at the commencement of the present session, that, in the opinion of Congress, the commissioned officers of the enemy ought not to be delivered to the authorities of the respective states, as suggested in the said message, but all captives taken by the Confederate forces ought to be dealt with and disposed of by the Confederate government.

dealt with
by the Con-
federate
government.

509. That, in the judgment of Congress, the proclamations of the President of the United States dated respectively September twenty-second, eighteen hundred and sixty-two, and January first, eighteen hundred and sixty-three, and the other measures of the Government of the United States and of its authorities, commanders, and forces, designed or tending to emancipate slaves in the Confederate States, or to abduct such slaves, or to incite them to insurrection, or to employ negroes in war against the Confederate States, or to overthrow the institution of African slavery, and bring on a servile war in these states, would, if successful, produce atrocious consequences, and they are inconsistent with the spirit of those usages which in modern warfare prevail among civilized nations; they may, therefore, be properly and lawfully repressed by retaliation.

Ibid. § 2.
Acts of U. S.
authorities
in regard to
slaves.

510. That in every case wherein, during the present war, any violation of the laws or usages of war among civilized nations shall be, or has been done and perpetrated by those acting under the authority of the Government of the United States on the persons or property of citizens of the Confederate States, or of those under the protection, or in the land or naval service of the Confederate States, or of any state of the Confederacy, the President of the Confederate States is hereby authorized to cause full and ample retaliation to be made for every such violation, in such manner and to such extent as he may think proper.

Ibid. § 3.
Violation by
the enemy
of the usages
of war.

511. That every white person, being a commissioned officer, or acting as such, who, during the present war, shall command negroes or mulattoes in arms against the Confederate States, or who shall arm,

Ibid. § 4.
Officers of
the enemy
command-
ing negroes;
how pun-
ished.

train, organize, or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack, or conflict in such service, shall be deemed as inciting servile insurrection, and shall, if captured, be put to death, or be otherwise punished, at the discretion of the court.

Ibid, § 5.
Punishment
for exciting
servile in-
surrection.

512. Every person, being a commissioned officer, or acting as such, in the service of the enemy, who shall, during the present war, excite, attempt to excite, or cause to be excited, a servile insurrection, or who shall incite, or cause to be incited, a slave to rebel, shall, if captured, be put to death, or be otherwise punished at the discretion of the court.

Ibid, § 6.
Trial of
offenders.

513. Every person charged with an offense punishable under the preceding resolutions shall, during the present war, be tried before the military court attached to the army or corps by the troops of which he shall have been captured, or by such other military court as the President may direct, and in such manner and under such regulations as the President shall prescribe, and, after conviction, the President may commute the punishment in such manner and on such terms as he may deem proper.

Ibid, § 7.
Negroes en-
gaged in
war to be
delivered to
state author-
ities when
captured.

514. All negroes and mulattoes who shall be engaged in war, or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the state or states in which they shall be captured, to be dealt with according to the present or future laws of such state or states.

XIX.—SLAVES.*

515. Disposition of slaves when arrested or captured.

516. Depots for recaptured slaves.

517. Lists of such slaves to be advertised.

518. Employment and removal of such slaves.

* See "Impressments," 436, 437, 438. See also "Employment of Negroes, 178, 179.

- 519. To be restored to their owners.
- 520. Register to be kept of slaves employed in the army or navy.
- 521. Subsistence and regulations.
- 522. Captured slaves of hostile Indians; how to be disposed of.
- 523. Duties of Superintendent of Indian Affairs with regard thereto.
- 524. Facts to be reported to the Commissioner of Indian Affairs.

515. That every person connected with the army or navy of the Confederate States, arresting or coming into possession of any slave, by capture from the enemy, or otherwise than by lawful authority, shall immediately report the same to the commanding officer of the post, or brigade, or station to which he may be attached. The said commanding officer shall, with as little delay as practicable, send the slaves so reported to the nearest depot described in the next section, with a register of the place and date of their arrest: *Provided, however,* That the said slaves, or any of them, may at once be delivered to their respective owners, if claim is made and established on satisfactory evidence.

Oct. 13, 1862
§ 1. ch. 62.
Disposition
of slaves
when arrest-
ed or cap-
tured.

516. The Secretary of War shall establish depots for recaptured slaves at convenient places, not more than five in number in each state, and all slaves captured in such state shall be kept in such depots. Public notice shall be given of the places so selected.

Ibid, § 2.
Depots for
recaptured
slaves.

517. Lists of the slaves in each of such depots, showing the name and color of such slaves, the place and time of their arrest, and the names of their owners, as given by themselves or otherwise ascertained, shall be regularly advertised in each state, in one or more newspapers of general circulation.

Ibid, § 3.
Lists of such
slaves to be
advertised.

518. While such slaves are in depot, they may be employed, under proper guard, on public works; but no slave shall be removed from the depot to which they are first carried for at least one month after the first advertisement of his being there, nor then, unless an exact register is made of the removal, and due advertisement made in the newspapers as aforesaid.

Ibid, § 4.
Employ-
ment and
removal of
such slaves.

519. Free access shall be permitted to all persons desiring to inspect the said slaves for the purpose of identifying them and establishing ownership, and, upon

Ibid, § 5.
To be restor-
ed to their
owners.

due proof, they shall be immediately restored to the persons claiming them.

Ibid. § 6.
Register to
be kept of
slaves
employed in
the army or
navy.

520. It shall further be the duty of the Secretary of War to require the names of all slaves in the employment of an officer or soldier of the Confederate Army or Navy, with the names and residence of their owners, and of the person by whom hired out, and of the officer or soldier hiring, to be reported to his department, and a full register thereof to be kept for public inspection.

Ibid. § 7.
Subsistence
and regula-
tions.

521. The President shall prescribe regulations for carrying this act into effect, and provide for the subsistence of said slaves while in such depots.

Feb. 17, 1862
§ 1, ch. 87.
Captured
slaves of
hostile In-
dians; how
to be dispos-
ed of.

522. That all negroes who are slaves, belonging to hostile Indians who are members or citizens of any one of the tribes of Indians friendly to this government, and who have been, or may hereafter be, captured by troops or persons in the service of the Confederate States, shall be delivered to the Superintendent of Indian Affairs west of Arkansas.

Ibid. § 2.
Duties of
superintend-
ent of In-
dian Affairs
with regard
thereto.

523. That said superintendent shall carefully inform himself of the persons and tribes to whom each negro belongs, and shall promptly notify the executive, or head chief of the proper tribe or tribes, to receive the same, at some convenient place, and shall deliver said negro or negroes to said executive or head chief of said friendly tribe or tribes, as captured property, to be held by said tribe or tribes until such provisions and orders shall be made by this government as shall seem just and wise, and shall take receipts for the same.

Ibid. § 3.
Facts to be
reported to
the Commis-
sioner of In-
dian Affairs.

524. That the said superintendent shall, at or before the time of such delivery, make out a record, showing the name and age and value of each slave received by him, and shall report the same, and the fact of such delivery, or other disposition of each of said negroes, to the Commissioner of Indian Affairs, together with all the facts of time, place, and circumstances of the capture, and by whom captured; but in no case shall any free negro who is so captured be given up by virtue of this act.

XX.—SOUTH CAROLINA.

525. Appropriation for support of provisional troops at Charleston.
 526. For support of additional troops.
 527. Expenditures by the State of South Carolina for troops employed in defence of Charleston harbor, to be provided for.
 528. Appropriation for claims of the state.

525. *The Congress of the Confederate States of America do enact*, That the following appropriations be made for the support of the provisional troops called into service by the act aforesaid:† pay of the troops, six hundred and fifty-eight thousand six hundred and eighty dollars. Forage for officers' horses and quartermaster's animals and cavalry horses, twenty thousand six hundred and sixty-two dollars. Subsistence for troops, two hundred and seventy thousand dollars. Clothing for the troops, two hundred thousand dollars. Camp and garrison equipage, eighteen thousand two hundred and sixty-seven dollars and seventy-two cents. Supplies for the quartermaster's department, seventy-six thousand one hundred and sixty dollars. Fuel for troops and hospitals, fifty-nine thousand nine hundred and ninety-seven dollars. Medical and hospital department, twenty thousand dollars

March 11.
 1861, § 1,
 ch. 37.*
 Appropriation for support of provisional troops at Charleston.

526. That the additional sum of eight hundred and sixty thousand two hundred and twenty-eight dollars and forty-five cents is hereby appropriated for the support of two thousand additional troops, to be called into the service of the Confederate States for twelve months, at Charleston, South Carolina, whenever, in the discretion of the President, their services may be required.

Ibid, § 2.
 For support of additional troops.

527. That the expenditures made by the State of South Carolina for the pay and maintenance of the troops employed in the defence of the Charleston harbor, under the command of Brigadier-General Beauregard, were intended to be provided for by an act

May 10, 1861
 Res. 3.
 Expenditures by the State of South Carolina for troops employed in defence of Charleston harbor to be provided for.

* TITLE: An act making appropriations for the support of three thousand men for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections [84, 85] of an act of the Congress "To raise provisional forces for the Confederate States of America, and for other purposes."

† An act to raise provisional forces for the Confederate States of America, and for other purposes [84, 85].

[525] making appropriations for the support of three thousand men, for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections [84, 85] of an act of the Congress to raise provisional forces for the Confederate States of America, and for other purposes; and that the amount of such expenditures be audited by the proper officer of the Treasury department, and that the amount which shall be found due be paid to the State of South Carolina from the appropriation made by the act aforesaid.

Dec. 14, 1861
Res. 5.
Appropriation
for
claims of the
state.

528. That the sum of two hundred and fifty thousand dollars be and is hereby appropriated, as an advance on account of any claims of the State of South Carolina upon the Confederate States; and that the same be paid to such person as may be authorized by the Legislature of South Carolina to receive the same.

XXI.—TAXES.

I.—TAX IN KIND. ACT OF APRIL 24, 1863.

- 529. What each farmer and planter may reserve. Tax on remainder.
- 530. Commutation for sweet potatoes.
- 531. Tobacco to be collected by agents appointed by Secretary of the Treasury.
- 532. How and when to be delivered.
- 533. Qualities of tobacco.
- 534. Repeal of conflicting laws.
- 535. When cotton, etc., has been destroyed, tax to be refunded.
- 536. Remission of tax in proportion to loss.
- 537. Slaughtered hogs. Cattle, horses, etc.
- 538. Equivalent for bacon to be delivered in salt pork.
- 539. Post quartermasters. Collection and distribution of articles.
- 540. Duration of the act.

II.—TAX IN KIND. ACT OF FEBRUARY 17, 1864.

- 541. What each farmer may reserve. Tax on remainder. Persons exempt.
- 542. Slaughtered hogs. Cattle, horses, mules, etc.
- 543. Post quartermasters. Collection and distribution of articles.
- 544. Assessors; their appointment, duties, etc.
- 545. Duration of the act.

III.—EXEMPTIONS FROM TAXATION.

- 546. Salaries of persons in military or naval service.
- 547. Daily wages of detailed soldiers.
- 548. Salaries of persons in military or naval service.
- 549. Property of certain persons of a specified value.

I. TAX IN KIND. ACT OF APRIL 24, 1863.

529. Each farmer and planter in the Confederate States, after reserving for his own use fifty bushels of sweet potatoes and fifty bushels of Irish potatoes, one hundred bushels of the corn, or fifty bushels of the wheat produced in the present year, shall pay and deliver to the Confederate government, of the products of the present year, one-tenth of the wheat, corn, oats, rye, buckwheat, or rice, sweet [530] and Irish potatoes, and of the cured hay and fodder; also, one-tenth of the sugar, molasses made of cane, cotton, wool, and tobacco; the cotton ginned and packed in some secure manner, and tobacco shipped and packed in boxes, to be delivered by him on or before the first day of March in the next year. Each farmer or planter, after reserving twenty bushels of peas or beans, but not more than twenty bushels of both, for his own use, shall deliver to the Confederate government, for its use, one-tenth of the peas, beans, and ground-peas produced and gathered by him during the present year. As soon as the aforesaid crops are made ready for market, the tax-assessor, in case of disagreement between him and the tax-payer, shall proceed to estimate the same in the following manner: The assessor and the tax-payer shall each select a disinterested freeholder from the vicinage, who may call in a third in case of a difference of opinion, to settle the matter in dispute; or if the tax-payer neglects or refuses to select one such freeholder, the said assessor shall select two, who shall proceed to assess the crops as herein provided. They shall ascertain the amount of the crops either by actual measurement or by computing the contents of the rooms or houses in which they are held, when a correct computation is practicable by such a method, and the appraisers shall then estimate, under oath, the quantity and quality of said crops, including what may have been sold or consumed by the producer prior to said estimate, whether gathered or not, and the value of the portion thereof to which the govern-

April 24,
1863, § 11,
ch. 38.
What each
farmer and
planter may
reserve.
Tax on re-
mainder.

Articles,
when and
how to be
delivered.

Collector
to issue
warrant of
distress in
case of de-
fault.

Fees
allowed.

ment is entitled, and shall give a written statement of this estimate to the said collector and a copy of the same to the producer. The said produceer shall be required to deliver the wheat, eorn, oats, rye, buckwheat, rice, peas, beans, eured hay and fodder, sugar, molasses of eane, wool, and tobacco, thus to be paid as a tithe in kind, in such form and ordinary marketable condition as may be usual in the section in which they are to be delivered, and the cotton in such manner as hereinbefore provided, within two months from the time they have been estimated as aforesaid, at some depot not more than eight miles from the place of production, and if not delivered by that time, in such order, he shall be liable to pay fifty per cent. more than the estimated value of the portion aforesaid, to be collected by the tax-collector as hereinafter prescribed: *Provided*, The government shall be bound to furnish to the producer sacks for the delivery of such articles of grain as require to be put in sacks for transportation, and shall allow to the produceer of molasses the cost of the barrels containing the same. The said estimate shall be conclusive evidence of the amount in money of tax due by the produceer to the government, and the collector is hereby authorized to proceed to collect the same by issuing a warrant of distress from his office, under his signature, in the nature of a writ of *fieri facias*, and by virtue of the same to seize and sell any personal property on the premises of the tax-payer or elsewhere, belonging to him, or so much thereof as may be necessary for the purpose of paying the tax, and the additional fifty per cent. aforesaid and costs; and said sale shall be made in the manner and form and after the notice required by the laws of the several states for judieial sales of personal property, and the said warrant of distress may be executed by the tax-collector or any deputy by him appointed for that purpose, and the deputy exeecuting the warrant shall be entitled to the same fees as are allowed in the respective states to sheriffs exeecuting writs of *fieri facias*, said fees to be paid as costs by the tax-payer:

Provided, That in all cases where the assessor and the tax-payer agree on the assessment of the crops, and the value of the portion thereof to which the government is entitled, no other assessment shall be necessary; but the estimate agreed on shall be reduced to writing and signed by the assessor and tax-payer, and have the same force and effect as the assessment and estimate of disinterested freeholders hereinbefore mentioned; and two copies of such assessment and estimate, thus agreed on and signed as aforesaid, shall be made, and one delivered to the producer and the other to the collector: And *provided, further*, That the assessor is hereby authorized to administer oaths to the tax-payers and to witnesses in regard to any item of the estimate herein required to be made: And *provided, further*, When agricultural produce in kind is paid for taxes, if payment be made by a tenant who is bound to pay his rent in kind, the tenth part of said rent in kind shall be paid in kind by the tenant to the government as and for the tax of the lessor on said rent, and the receipt of the government officer shall release the lessor from all obligation to include said rent in kind in his statement of income, and discharge the tenant of so much of his rent to the lessor.

Assessor to
administer
oaths.

In case ten-
ant pays his
rent in kind.

530. That so much of section eleven of "An act to lay taxes for the common defence, and carry on the Government of the Confederate States," approved April twenty-fourth, eighteen hundred and sixty-three [529], as requires farmers and planters to pay one-tenth of the sweet potatoes produced in the present year to the Confederate government, be so amended as to authorize the producers of sweet potatoes in the year eighteen hundred and sixty-three, to make commutation by payment of the money value of the tithe thereof, instead of payment in kind, at rates to be fixed by the commissioners under the Impressment act.

Dec. 28, 1863
ch. 1.
Commuta-
tion for
sweet pota-
toes.

531. That the tax in kind of one-tenth imposed by said act [529] upon all tobacco grown in the Confederate States, instead of being collected by the post quartermaster [539], shall be collected by the agents

Jan. 30, 1864
§ 1, ch. 17.
Tobacco to
be collected
by agents
appointed by
Secretary of
Treasury.

appointed by the Secretary of the Treasury to collect and preserve tobacco, and the tax-assessor shall transfer their estimates of the tobacco due from each planter or farmer, specifying both quantity and quality, to the said agents or their duly authorized sub-agents, taking their receipts therefor, and shall also transmit a copy of these estimates to the Chief of the Produce Loan Office, and when said tobacco has been collected the said agent shall be liable for its safe custody.

Ibid. § 2.
How and
when to be
delivered.

532. That each farmer and planter, not earlier than the first day of June, nor later than the fifteenth day of July, shall deliver his tithe of tobacco in prizing order, put up in convenient parcels for transportation, at the nearest prizing depot, of which there shall be not less than one established in each county by the agents for the collection and preservation of tobacco, where the said tobacco shall be prized, and securely packed in hogsheads, or other packages, suitable for market, by said agents.

Ibid. § 3.
Qualities of
tobacco.

533. That the tax-assessor shall require a statement from each farmer or planter as to the different qualities of tobacco raised by him, and shall assess, as due the Confederate States, one-tenth of each of said qualities, which shall be stated separately in his estimates, and shall be delivered separately by the farmer or planter at the prizing depots.

Ibid. § 4.
Repeal of
conflicting
laws.
Feb. 13, 1864
§ 1. ch. 32.
When cot-
ton, etc.,
has been
destroyed.

534. All acts and parts of acts inconsistent with the foregoing, are hereby repealed.

535. That when cotton or other property subject to taxation in money, shall have been burned or otherwise destroyed, by authority of the government, before the expiration of the time fixed by law for the payment of the tax thereon, the tax-payer may apply to the district collector, who shall investigate the facts and make report thereof to the state collector, who may, if satisfied of such destruction by government authority, remit the said tax. If the tax in any such case shall have been paid in advance, it shall be refunded by the state collector. The tax-payer shall, in every such case, have the right of appeal to the Secretary of the Treasury.

Tax to be
refunded.

536. That in all cases where the crop out of which the tax in kind is to be paid has been taken or destroyed by the enemy, the district collector may remit the tax, in whole or in part, according to the extent of the loss sustained by the tax-payer: *Provided*, That the facts in each case shall be reported to the tax-collector, and the remission shall not be valid until approved by him: And *provided, further*, That in case the loss be sustained prior to assessment, the assessor, on satisfactory proof thereof, may make deduction therefor in proportion to the loss.

Ibid, § 2.
Remission of
tax in pro-
portion to
loss.

537. That every farmer, planter, or grazier shall exhibit to the assessor, on or about the first of March, eighteen hundred and sixty-four, an account of all the hogs he may have slaughtered since the passage of this act and before that time; after the delivery of this estimate to the post quartermaster hereinafter mentioned by the assessor, the said farmer, planter, or grazier shall deliver an equivalent for one-tenth of the same in cured bacon [538], at the rate of sixty pounds of bacon to the one hundred weight of pork. That on the first of November next, and each year thereafter, an estimate shall be made, as hereinbefore provided, of the value of all neat cattle, horses, mules not used in cultivation, and asses, owned by each person in the Confederate States, and upon such value the said owners shall be taxed one per cent., to be paid on or before the first day of January next ensuing. If the grazier, or planter, or farmer shall have sold beeves since the passage of this act, and prior to the first day of November, the gross proceeds of such sales shall be estimated and taxed as income, after deducting therefrom the money actually paid for the purchase of such beeves, if they have been actually purchased, and the value of the corn consumed by them. The estimate of these items shall be made in cases of disagreement between the assessor and tax-payer as herein prescribed in other cases of income tax; and on each succeeding first day of November the beeves sold during the preceding twelve months shall be estimated and taxed in the same manner.

April 24.
1863, § 12,
ch. 38.
Slaughtered
hogs.

Equivalent
for one-
tenth to be
delivered in
bacon.
Estimate of
cattle,
horses, etc.

Referencs.

Dec. 28, 1863
ch. 2.
Equivalent
for bacon to
be delivered
in salt pork.

538. That assistant quartermasters and other agents engaged in the collection of tax in kind may be authorized, under orders and regulations made by the Secretary of War, to demand and receive, in commutation for the tax in kind on bacon [537], an equivalent therefor in salt pork.

April 24,
1863. § 13,
ch. 38.
Post quar-
termasters.

539. That the Secretary of War shall divide the service of the Quartermaster's department into two branches—one herein denominated post quartermasters, for the collection of the articles paid for taxes in kind, and the other for distribution to the proper points for supplying the army, and for delivering cotton and tobacco [531] to the agents of the Secretary of the Treasury. The tax-assessor shall transfer the estimate of articles due from each person, by way of a tax in kind, to the duly authorized post quartermaster, taking from the said quartermaster a receipt, which shall be filed as a voucher with the chief collector in settling his account, and a copy of this receipt shall be furnished by the chief collector to the auditor settling the post quartermaster's account as a charge against him. The post quartermaster receiving the estimate shall collect from the tax-payer the articles which it specifies, and which he is bound to pay and deliver as a tax to the Confederate government. The post quartermaster shall be liable for the safe custody of the articles placed in his care, and shall account for the same by showing that, after proper deductions from unavoidable loss, the residue has been delivered to the distributing agents, as evidenced by their receipts. The said post quartermaster shall also state the accounts of the quartermasters receiving from him the articles delivered in payment of taxes in kind at his depot, and make a monthly report of the same to such officer as the Secretary of War may designate: *Provided*, That in case the post quartermaster shall be unable to collect the tax in kind specified in the estimate delivered to him as aforesaid, he shall deliver to the district tax-collector said estimate as a basis for the distress warrant authorized to be issued, and take a receipt therefor, and forward the same to the chief

Collection of
articles.

tax-collector as a credit in the statement of the accounts of said post quartermaster: *Provided*, That any partial payment of said tax in kind shall be endorsed on said estimate before delivering the same to the district tax-collector as aforesaid, and the receipt given to him therefor by the district tax-collector shall specify said partial payment. When the articles thus collected through the payment of taxes in kind have been received at the depot as aforesaid, they shall be distributed to the agents of the Secretary of the Treasury, if they consist of cotton, wool, or tobacco, or if they be suitable for forage or subsistence, to such places and in such manner as the Secretary of War may prescribe. Should the Secretary of War find that some of the agricultural produce thus paid in and suitable for forage and subsistence has been, or will be, deposited in places where it can not be used either directly or indirectly, for these purposes, he shall cause the same to be sold, in such manner as he may prescribe, and the proceeds of such sale shall be paid into the Treasury of the Confederate States. Should, however, the Secretary of War notify the Secretary of the Treasury that it would be impracticable for him to collect or use the articles taxed in kind, or any of them, to be received in certain districts or localities, then the Secretary of the Treasury shall proceed to collect in said districts or localities the money value of said articles specified in said estimate and not required in kind, and said money value shall be due on the first day of January in each and every year, and be collected as soon thereafter as practicable.

Distribution

540. This act shall be in force for two years after the expiration of the present year, and the taxes herein imposed for the present year shall be levied and collected each year thereafter in the manner and form herein prescribed, and for the said time of two years, unless this act shall be sooner repealed: *Provided*, The tax on naval stores, flour, wool, cotton, tobacco, and other agricultural products of the growth of any year preceding the year eighteen hundred and

Ibid. § 18.
Duration of
the act.

sixty-three, imposed in the first section of this act, shall be levied and collected only for the present year.

II. TAX IN KIND—ACT OF FEBRUARY 17, 1864.

Feb. 17, 1864
§ 10, ch. 66.
What each
farmer may
reserve.
Tax on
remainder.

541. That each farmer and planter in the Confederate States shall pay and deliver to the Confederate government, of the products of the present year, one-tenth of the wheat, corn, oats, rye, buckwheat, or rice, Irish potatoes, and of the cured hay and fodder; also one-tenth of the sugar, molasses made of cane or of sorghum, where more than thirty gallons are made, cotton, wool, and tobacco; the cotton ginned and packed in some secure manner, and tobacco stripped and packed in boxes; the cotton to be delivered by him on or before the first day of March, and the tobacco on or before the first day of July next after their production. Each farmer or planter shall deliver to the Confederate government, for its use, one-tenth of the peas, beans, and ground-peas produced and gathered by him during the present year. As soon as each of the aforesaid crops are made ready for market, the tax-assessor, in case of disagreement between him and the tax-payer, shall proceed to estimate the same in the following manner: The assessor and tax-payer shall each select a disinterested freeholder from the vicinage, who may call in a third, in case of a difference of opinion, to settle the matter in dispute; or if the tax-payer neglects or refuses to select one such freeholder, the said assessor shall select two, who shall proceed to assess the crops as herein provided. They shall ascertain the amount of the crops, either by actual measurement or by computing the contents of the rooms or houses in which they are held, when a correct computation is practicable by such a method, and the appraisers shall then estimate, under oath, the quantity and quality of said crops, including what may have been sold or consumed by the producer prior to said estimates, whether gathered or not, excepting from said estimates such portion of said crops as may be necessary to raise and fatten the hogs of such farmer, planter, or grazier, for pork: *Provided*,

Referees.

Persons
exempt.

That the following persons shall be exempt from the payment of the tax in kind imposed by this section, viz:

I. Each head of a family not worth more [than] five hundred dollars.

II. Each head of a family with minor children, not worth more than five hundred dollars for himself, and one hundred dollars for each minor living with him, and five hundred dollars in addition thereto for each minor son he has living or may have lost, or had disabled in the military or naval service.

III. Each officer, soldier, or seaman in the army or navy, or who has been discharged therefrom for wounds, and is not worth more than one thousand dollars.

IV. Each widow of any officer, soldier, or seaman who has died in the military or naval service, the widow not worth more than one thousand dollars: *Provided*, That in all cases where the farmer or planter does not produce more than fifty bushels of Irish potatoes, two hundred bushels of corn, or twenty bushels of peas and beans, he shall not be subject to the tax in kind on said articles, or either of them; and the forage derived from the corn-plant shall also be exempt in all cases where the corn is not taxed in kind; neither shall any farmer or planter, who does not produce more than ten pounds of wool or more than fifteen pounds of ginned cotton for each member of the family, be subject to said tax in kind. The tax-assessor, after allowing the exemptions authorized in this section, shall assess the value of the portion of said crops to which the government is entitled, and shall give a written statement of this estimate to the collector, and a copy of the same to the producer. The said producer shall be required to deliver the wheat, corn, oats, rye, buckwheat, rice, peas, beans, cured hay and fodder, sugar, molasses of cane or sorghum, wool, thus to be paid as a tithe in kind, after they have been estimated as aforesaid, in such form and ordinary marketable condition as may be usual in the section in which they are to be delivered, within

Articles
when and
how to be
delivered.

thirty days from the date of notice given by the agent of collection that he is ready to receive such produce (except cotton and tobacco shall be delivered in the manner and at the times hereinbefore provided) at some depot not more than twelve miles from the place of production; and if not delivered by the times and in the order stated, he shall be liable to pay five times the estimated value of the portion aforesaid, to be collected by the tax-collector as hereinafter prescribed: *Provided*, The post quartermasters may direct such delivery to be made at any time within five months after the date of said estimates, under the sanction of the penalty aforesaid, and that producers shall be paid the expenses of the transportation of their tithes at the usual rates of compensation paid by the government in the state in which the delivery is made. Such delivery, when required to be made of grain in bushels, shall be made in bushels according to the government standard of weight per bushel: *Provided*, That the government shall be bound to furnish to the producer sacks for the delivery of such articles of grain as require to be put in sacks for transportation, and shall allow to the producers of molasses the cost of the barrels containing the same. The said estimates shall be conclusive evidence of the amount in money of tax due by the producer to the government, and the collector is hereby authorized to proceed to collect the same by issuing a warrant of distress from his office, under his signature, in the nature of a writ of *fiere facias*, and by virtue of the same to seize and sell any personal property on the premises of the tax-payer or elsewhere, belonging to him, or so much thereof as may be necessary for the purpose of paying the tax and the increase aforesaid and costs; and said sale shall be made in the manner and form, and after the notice required by the laws of the several states for judicial sales of personal property; and the said warrant of distress may be executed by the tax-collector or any deputy appointed by him for that purpose, and the deputy executing the warrant shall be entitled to the same fees as are allowed in the respective states

Collector to
issue war-
rant of dis-
tress in case
of default.

Fees
allowed.

to sheriffs executing writs of *ieri facias*; said fees to be paid as cost, by the tax-payer: *Provided*, That in all cases where the assessor and tax-payer agree on the assessment of the crops, and the value of the portion thereof to which the government is entitled, no other assessment shall be necessary; but the estimate agreed on shall be reduced to writing, and signed by the assessor and tax-payer, and have the same force and effect as the assessment and estimate of disinterested freeholders hereinbefore mentioned; and two copies of such assessment and estimate, thus agreed on and assigned as aforesaid, shall be made, and one delivered to the producer, and the other to the collector: And *provided, further*, That the assessor is hereby authorized to administer oaths to the tax-payer, and to witness in regard to any item of the estimates herein required to be made: And *provided, further*, When agricultural produce in kind is paid for taxes, if payment be made by a tenant who is bound to pay his rent in kind, the tenth part of said rent in kind shall be paid in kind by the tenant to the government, as and for the tax of the lessor on said rent; and the receipt of the government officer shall release the lessor from all obligations to include such rent in his statement of income, and discharge the tenant from so much of his rent to the lessor.

Assessor and tax-payer may agree upon assessment.

In case tenant pays his rent in kind.

542. That every farmer, planter, or grazier, or other person who slaughters hogs, shall exhibit to the assessor on or about the first of March, 1864, an account of all the hogs he may have slaughtered since the passage of this act and before that time. After the delivery of this estimate to the post quartermaster hereinafter mentioned by the assessor, the said farmer, planter, grazier, or other person who slaughters hogs, shall deliver an equivalent for one-tenth of the same in cured bacon, at the rate of sixty pounds of bacon to one hundred weight of pork. That on the first of November, 1863, and each year thereafter, an estimate shall be made, as hereinbefore provided, of the value of all neat cattle, horses, mules not used in cultivation, and asses, owned by each person in the

Ibid. § 11. Slaughtered hogs.

Cattle, horses, mules, etc.

Confederate States, and upon such value the said owner shall be taxed one per centum, to be paid on the first day of January next ensuing. If the grazier, planter, or farmer shall have sold beeves since the passage of this act and prior to the first day of November, the gross proceeds of such sales shall be estimated and taxed as income, after deducting therefrom the money actually paid for the purchase of said beeves, if they have been actually purchased, and the value of the corn or peas consumed by them. The estimate of these items shall be made, in case of disagreement between the assessor and tax-payer, as herein provided in other cases of income tax: *Provided*, That no farmer, planter, or grazier, or other person, who shall not slaughter more than two hundred and fifty pounds of net pork during any year, shall be subject to the bacon tithe imposed by this section; and every officer, soldier, or seaman in the military or naval service, or who may have been discharged therefrom on account of wounds or physical disability, and any widow of such officer, soldier, or seaman, or any head of a family who does not own more than two cows and calves, shall be exempt from the tax imposed by this section on neat cattle.

Referees.

When persons not subject to bacon tithe.

Ibid, § 12.
Post quartermasters.

543. That the Secretary of War shall divide the service of the Quartermaster's department into two branches—one herein denominated post quartermasters, for the collection of the articles paid for taxes in kind, and the other for distribution to the proper points for supplying the army, and for delivering cotton and tobacco to the agents of the Secretary of the Treasury. The tax-assessor shall transfer the estimate of articles due from each person by way of a tax in kind to the duly authorized post quartermaster, taking from the said quartermaster a receipt, which shall be filed as a voucher with the chief collector in settling his account, and a copy of this receipt shall be furnished by the chief collector to the auditor settling the post quartermaster's accounts as a charge against him. The post quartermaster receiving the estimate shall collect from the tax-payer the articles

Collection of articles.

which it specifies, and which he is bound to pay and deliver as a tax to the Confederate government. The post quartermaster shall be liable for the safe custody of the articles placed in his care, and shall account for the same by showing that, after proper deductions from unavoidable loss, the residue has been delivered to the distributing agents, as evidenced by their receipts. The said post quartermaster shall also state the accounts of the quartermasters receiving from him the articles delivered in payment of taxes in kind at his depot, and make a monthly report of the same to such officer as the Secretary of War may designate: *Provided*, That in case the post quartermaster shall be unable to collect the tax in kind specified in the estimate delivered to him as aforesaid, he shall deliver to the district tax-collector said estimate as a basis for the distress warrant authorized to be issued, and take a receipt therefor, and forward the same to the chief tax-collector as a credit in the statement of the accounts of said post quartermaster: *Provided*, That any partial payment of said tax in kind shall be endorsed on said estimate before delivering the same to the district tax-collector as aforesaid, and the receipt given to him therefor by the district tax-collector shall specify said partial payment. When the articles thus collected, through the payment of taxes in kind, have been received at the depot as aforesaid, they shall be distributed to the agents of the Secretary of the Treasury, if they consist of cotton or tobacco, or if they be suitable for forage or subsistence, to such places and in such manner as the Secretary of War may prescribe. The wool collected under this act shall be retained by the Quartermaster's department as supplies. Should the Secretary of War find that some of the agricultural produce thus paid in and suitable for forage and subsistence has been, or will be, deposited in places where it can not be used, either directly or indirectly, for these purposes, he shall cause the same to be sold in such manner as he may prescribe, and the proceeds of such sale shall be paid into the Treasury of the Confederate States. Should, however, the Sec-

Distribution

retary of War notify the Secretary of the Treasury that it would be impracticable for him to collect or use the articles taxed in kind, or any of them to be received in certain districts or localities, then the Secretary of the Treasury shall proceed to collect in said district or locality the money value of said articles specified in said estimate and not required in kind, and said money value shall be due on the first day of January in each and every year, and be collected as soon thereafter as practicable; and where in districts heretofore, or which may hereafter be ascertained to be so impracticable, quartermasters or commissaries, serving with troops in the field, shall have collected, or may hereafter collect from producers, any portion of their tax in kind, the receipts of such officers shall be held good to the producers against the collection of the money value of their tax, to the extent and value of such portions as may have been or may be hereafter collected. And where assessments in practicable localities have been made and transferred to the post quartermaster, and transportation is difficult to be obtained, the supply of grain sacks insufficient, or the amount of produce receivable is too small to justify the expenses of collection, post quartermasters, with the approval of the superior officers, shall be authorized to transfer the estimates to district collectors, to be collected in their money value only.

Ibid, § 13.
Assessors;
their ap-
pointment,
duties, etc.

544. That the assessors whose duty it is under said act [529] to estimate the taxes in kind, shall be appointed by the Secretary of War, and their duties shall be the same and the duties shall be executed in the same manner as is prescribed by sections ten, eleven, and twelve of this act, in reference to the estimates and assessment of taxes in kind on agricultural products and slaughtered hogs; and there may be one assessor appointed for each practicable tax district, and he shall take the oath as assessor of taxes in kind prescribed by section five of the act for the assessment and collection of taxes, approved May first, eighteen hundred and sixty-three, which oath shall be delivered to such officer as the Secretary of War may

designate. And the assessors of taxes in kind shall be separate and distinct from the assessors of money tax, and shall be subject to the exclusive direction and control of the War department, and shall receive the same compensation, for such time as they may be employed, as is allowed to other agents of the Quartermaster's department.

545. This act shall be in force for two years after the expiration of the present year, and the taxes herein imposed for the present year shall be levied and collected each year thereafter in the manner and form herein prescribed, and for the said time of two years, unless this act shall be sooner repealed.

Ibid, § 18.
Duration of
the act.

III. EXEMPTIONS FROM TAXATION.

546. That upon the salaries of all salaried persons serving in any capacity whatever, except upon the salaries of persons in the military or naval service, there shall be levied and collected a tax of one per centum on the gross amount of such salary, when not exceeding fifteen hundred dollars, and two per centum upon any excess over that amount, to be levied and collected at the end of each year, in the manner prescribed for other taxes enumerated in this act: *Provided*, That no taxes shall be imposed by virtue of this act on the salary of any person receiving a salary not exceeding one thousand dollars per annum, or at a like rate for another period of time, longer or shorter. [See, also, 548.]

April 24,
1863
§ 7, ch. 38.
Salaries of
persons in
military or
naval ser-
vice.

547. That the daily wages of detailed soldiers, and other employees of the government, are not liable to taxation as income, although they may amount in the aggregate to the sum of one thousand dollars per annum.

Feb. 17, 1864
Res.
Daily wages
of detailed
soldiers.

548. That upon the salaries of all salaried persons serving in any capacity whatever, except upon the salaries of persons in the military or naval service, there shall be levied and collected a tax of one per centum on the gross amount of such salary, when not exceeding fifteen hundred dollars, and two per centum upon any excess over that amount, to be levied and

Feb. 17, 1864
§ 6, ch. 66.
Salaries of
persons in
military or
naval ser-
vice.

collected at the end of each year, in the manner prescribed for other taxes enumerated in this act: *Provided*, That no taxes shall be imposed by virtue of this act on the salary of any person receiving a salary not exceeding one thousand dollars per annum, or at a like rate for another period of time, longer or shorter.

Feb. 17, 1864
§ 5, ch. 64.
Property of
certain per-
sons of a
specified
value.

549. The following exemptions from taxation under this act* shall be allowed, to wit:

I. Property of each head of a family to the value of five hundred dollars; and for each minor child of the family to the further value of one hundred dollars; and for each son actually engaged in the army or navy, or who has died or been killed in the military or naval service, and who was a member of the family when he entered the service, to the further value of five hundred dollars.

II. Property of the widow of any officer, soldier, sailor, or marine who may have died or been killed in the military or naval service, or where there is no widow, then of the family, being minor children, to the value of one thousand dollars.

III. Property of every officer, soldier, sailor, or marine, actually engaged in the military or naval service, or of such as have been disabled in such service, to the value of one thousand dollars: *Provided*, That the above exemptions shall not apply to any person whose property, exclusive of household furniture, shall be assessed at a value exceeding one thousand dollars.

IV. That where property has been injured or destroyed by the enemy, or the owner thereof has been temporarily deprived of the use or occupancy thereof, or of the means of cultivating the same by reason of the presence or proximity of the enemy, the assessment on such property may be reduced in proportion to the damage sustained by the owner, or the tax assessed thereon may be reduced in the same ratio by the district collector, on satisfactory evidence submitted to him by the owner or assessor.

* "An act to levy additional taxes for the common defence and support of the government."

XXII.—WAR DEPARTMENT.

- 550. Department established.
- 551. Duties of the Secretary of War.
- 552. Chief and other clerks.
- 553. When an officer of the army is appointed Secretary of War.
- 554. Assistant Secretary of War.
- 555. Chief of the Bureau of War, and clerks. Clerks in other bureaus of the War department. Assignment of clerks.
- 556. Increase of clerical force.
- 557. Further increase of clerical force.
- 558. Advances on contracts may be made.
- 559. Purchase or lease of real estate by Secretary of War.
- 560. Purchase or lease of real estate made by Chief of Ordnance.
- 561. Consent of state required.
- 562. Accounts of War department: how to be audited and filed.
- 563. Bureaus or agencies west of the Mississippi river.
- 564. Staff officers and clerks.

550. *The Congress of the Confederate States of America do enact*, That an Executive department be and the same is hereby established, under the name of the War department, the chief officer of which shall be called the Secretary of War.

Feb. 21, 1861
§ 1, ch. 9.
Department
established.

551. That said secretary shall, under the direction and control of the President, have charge of all matters and things connected with the army, and with the Indian tribes within the limits of the Confederacy, and shall perform such duties appertaining to the army, and to said Indian tribes, as may, from time to time, be assigned to him by the President.

Ibid, § 2.
Duties of the
Secretary of
War.

552. That the secretary of said department is hereby authorized to appoint a chief clerk thereof, and as many inferior clerks as may be found necessary, and may be authorized by law.

Ibid, § 3.
Chief and
other clerks.

553. That if any officer of the army be appointed Secretary of War, and enter upon the duties of that office, he shall not thereby lose his rank in the army, but only the pay and allowance thereof during the time he is Secretary of War, and receiving the salary of that officer.

Feb. 27, 1862
ch. 1.
When an
officer of the
army is
appointed
Secretary of
War.

554. That the Secretary of War be and he is hereby authorized and empowered to appoint an assistant, who shall be known as the Assistant Secretary of War, who shall perform such duties as may be assigned him

Dec. 10, 1861
ch. 6.
Assistant
Secretary of
War.

by the secretary, and receive as compensation for his services three thousand dollars per annum.*

March 7,
1861
§ 1, ch. 30.
Chief of
Bureau of
War, and
clerks.

555. To the War department there shall be a chief of the bureau of war, at an annual salary of three thousand dollars, and five clerks, who shall each receive twelve hundred dollars per annum; and one of them may be appointed disbursing clerk, with an additional salary of six hundred dollars, who shall give bond, with sureties to be approved by the Secretary of War. There shall also be one messenger, whose compensation shall be five hundred dollars per annum.

Clerks in
other bu-
reaus of the
War depart-
ment.

And to all of the bureaus of the War department, viz., the Adjutant and Inspector-General, Quartermaster-General, the Commissary-General, the Surgeon-General, the Chief-Engineer, and the Artillery, there shall be fourteen clerks, seven of whom shall receive each a salary of twelve hundred dollars, and seven a salary each of one thousand dollars per annum.* And the Secretary of War is hereby authorized to assign said clerks to duty in the respective offices enumerated, as in his judgment will best promote the public service. And to each of said named bureaus, except the office of Surgeon-General, there shall be, if deemed necessary by the Secretary of War, a messenger, at an annual compensation of five hundred dollars.*

Assignment
of clerks.

Aug. 29, 1861
ch. 46.
Increase of
clerical
force.

556. That the clerical force of the War department shall be increased to the extent and in the manner following, to wit:†

FOR THE OFFICE OF THE SECRETARY OF WAR.—One clerk at the rate* of two thousand dollars per annum; for the payment of whom, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of one thousand dollars.

March 14,
1862, ch. 3.
Further in-
crease of
clerical
force.

557. That there be added to the number of clerks now authorized by law in the War department, twenty additional clerks, to be divided among the several bureaus, in such proportion as the Secretary of War

* See "Salaries" in Appendix.

† See 29, 36, 37, 40, 43, 57.

may deem most advantageous, to receive compensation as follows, to wit: six at the rate of fifteen hundred dollars per annum; six at the rate of twelve hundred dollars per annum, and eight at the rate of one thousand dollars per annum.*

558. That the Secretary of War, with the approbation of the President, be authorized, during the existence of the present war, to make advances upon any contract, not to exceed thirty-three and one third per cent., for arms or munitions [388 *et seq.*] of war: *Provided*, That security be first taken, to be approved by the Secretary of War, for the performance of the contract, or for a proper accounting for the said money.

Aug. 5, 1861
ch. 15.
Advances on
contracts
may be made

559. That the Secretary of War be and he is hereby authorized to purchase or lease any and all real estate which may by him be deemed necessary for the use of the government in the conduct of those works or operations submitted by law to the supervision or control of the War department, and for which appropriations are made by Congress.

May 1, 1863
§ 1. ch. 63.
Purchase or
lease of real
estate by
Secretary of
War.

560. That the Secretary of War is hereby authorized to ratify and complete any purchase or lease of real estate heretofore made under the direction of the Chief of Ordnance, and all such leases or purchases heretofore made shall be binding as soon as the same are approved by the Secretary of War.

Ibid, § 2.
Purchase or
lease of real
estate made
by Chief of
Ordnance.

561. Every purchase of freehold estate made by authority of this act shall be subject to the condition, that the consent of the state within whose limits it lies shall be obtained by the Confederate government.

Ibid, § 3.
Consent of
state requir-
ed.

562. That it shall be the duty of the Second Auditor, after examining the accounts for the War department, to certify the balances and transmit the account, with the vouchers and certificates, to the Comptroller for his decision thereon, and when finally adjusted, said accounts, vouchers, and certificates shall be filed with the Register, as required by the act "to establish the Treasury department," approved February twenty-first, eighteen hundred and sixty-one.

April 19,
1862, ch. 47.
Accounts of
War depart-
ment; how
to be audit-
ed and filed.

* See "Salaries" in Appendix.

Feb. 17, 1864
§ 1, ch. 55.
Bureaus or
agencies
west of the
Mississippi
river.

563. That, under the direction of the President, such bureaus or agencies of the War department may be organized west of the Mississippi river as the public service may require, which shall be auxiliary to the similar bureaus of said department established by law, and shall perform such duties as may be directed by instructions from the Secretary of War, or the general commanding in the trans-Mississippi department [371], acting under the authority of the War department.

Ibid. § 2.
Staff officers
and clerks.

564. Such staff officers and clerks may be assigned to duty, or appointed by the President in these bureaus, as may be necessary for the service; and, under authority from the President, the general commanding in the trans-Mississippi department may assign such officers to duty or make appointments therein, subject to the approval of the President: *Provided*, That no clerk employed under this act shall be allowed a salary exceeding two thousand dollars per annum, or be liable to military duty.

NAVAL LAWS.

XXIII.—NAVY DEPARTMENT.

[*For Navy- Yards, Dock- Yards, etc., see " Forts and Arsenals," 394, 395.*]

565. Department established.

566. Duties of secretary.

567. Chief and other clerks to be appointed.

568. Chief clerk ; his salary and duties. Three other clerks and a messenger.

569. Two additional clerks and a draughtsman.

570. Register, draughtsman, and additional clerk.

571. Additional clerks ; how selected.

572. Officer in charge of ordnance, ordnance stores, hydrography, etc. Officer of orders and details, and matters connected with courts-martial and courts of inquiry. Surgeon or assistant surgeon to purchase medicines or medical supplies. Paymaster to purchase provisions, clothing, etc. Clerks.

565. *The Congress of the Confederate States of America do enact, That an Executive department be and the same is hereby established, to be called the Navy department.*

Feb. 21, 1861
§ 1, ch. 10.
Department
established.

566. That the chief officer of said department shall be called the Secretary of the Navy, and shall, under the direction and control of the President, have charge of all matters and things connected with the Navy of the Confederacy, and shall perform all such duties appertaining to the navy as shall from time to time be assigned to him by the President.

Ibid, § 2.
Duties of
secretary.

567. That said secretary shall be authorized to appoint a chief clerk, and such other clerks as may be found necessary, and be authorized by law.

Ibid, § 3.
Chief and
other clerks
to be ap-
pointed.

568. That the clerical force of the Navy department shall consist of one chief clerk, at a salary of fifteen hundred dollars per annum, who shall also perform the duties of disbursing agent and corresponding clerk of said department, and receive therefor an extra compensation of six hundred dollars per annum ; and also three other clerks, two of whom shall receive a salary each of twelve hundred dollars per annum, and one a salary of one thousand dollars per annum ; and there shall

March 8,
1861, § 1,
ch. 31.
Chief clerk ;
his salary
and duties.

Three other
clerks and a
messenger.

be attached to said department a messenger, whose annual compensation shall be five hundred dollars.*

Jan. 14, 1862
ch. 38.
Two additional clerks
and a draughts-
man.

569. That the Secretary of the Navy be and he is hereby authorized to appoint one additional clerk at a salary of fifteen hundred dollars per annum, one other additional clerk at a salary of twelve hundred dollars per annum, and one draughtsman at a salary of twelve hundred dollars.*

April 4, 1863
ch. 14.
Register,
draughts-
man, and
additional
clerk.

570. That the Secretary of the Navy be authorized to appoint a register at a salary of one thousand eight hundred dollars per annum, a draughtsman at a salary of one thousand two hundred dollars per annum, and an additional clerk at a salary of one thousand two hundred dollars per annum.*

Feb. 17, 1864
ch. 73.
Additional
clerks.
How select-
ed.

571. That the Secretary of the Navy be authorized to appoint two additional clerks, each with a salary of fifteen hundred dollars* per annum: *Provided*, That such clerks be selected from men not liable to military duty.

March 16,
1861. § 6,
ch. 58.
Officer in
charge of
ordnance,
hydrogra-
phy, etc.

572. The following officers shall be attached to the Navy department, to wit: An officer, not below the grade of commander, who shall be charged with the purchase or preparation of ordnance, ordnance stores, and supplies and equipments, and with hydrography, and with such other duties as the Secretary of the Navy may from time to time assign to him; an officer, not below the grade of lieutenant, to be designated as the officer of orders and detail, who shall, under the orders of the Secretary of the Navy, prepare and issue all orders and details for service, and who shall also, under the direction of the Secretary of the Navy, have charge of all matters and things connected with courts-martial and courts of inquiry, and with the custody of all records and papers thereunto appertaining, and perform such other duties relating to the *personnel* of the navy as the Secretary may from time to time direct; a surgeon or an assistant surgeon, who shall, under the direction of the Secretary of the Navy, make all purchases of medicines and medical supplies for the navy, and perform such other duties appertaining to

Officer of
orders and
details,
courts-mar-
tial and
courts of
inquiry.

Surgeon to
purchase
medicines
and medical
supplies.

* See "Salaries" in Appendix.

the medical department as the secretary may from time to time direct; a paymaster, who shall, under the direction of the Secretary of the Navy, make all contracts for or purchases of provisions, clothing, and coal for the use of the navy, and perform such other duties as the secretary may direct. The Secretary of the Navy is authorized to appoint one clerk to aid each of the above officers in the discharge of his duties, whose annual salary shall not exceed fifteen hundred dollars each;* but the officers therein detailed for duty shall receive no compensation for their services beyond their regular pay as on other duty.

Paymaster
to make
purchases of
provisions,
etc.

Clerks.

XXIV.—REGULAR NAVY.

I. OFFICERS.

573. Commissioned officers to be appointed, and warrant and petty officers and seamen to be employed.
574. Annual pay of captains. Of commanders. Of lieutenants. Masters. Midshipmen. Surgeons. Assistant surgeons. Paymasters.
575. Assistant paymasters.
576. Salary of assistant paymasters increased.
577. Engineers.
578. Pay of engineer-in-chief and passed assistant surgeons.
579. Warrant officers. Appointments by the President during recess of Congress.
580. Mode of computing length of service of officers formerly attached to United States navy.
581. Date of commissions of such officers.
582. Appointment of same.
583. Leave of absence pay of officers resigned from United States service and imprisoned.
584. Additional officers; appointments from civil life.
585. Grades established.
586. Chief engineers.
587. Appointments for meritorious conduct.
588. Warrant officers.
589. Pay of additional grade.
590. Pay of master's-mates.
591. Chief constructor.
592. Naval storekeepers.
593. Assignment of officers.
594. Temporary military rank and command.
595. Rank in the navy retained, and same pay, etc.
596. Appointment to higher grade.
597. Chaplains for Confederate States naval vessels.
598. Chaplains for naval hospitals.
599. Rations, quarters, fuel, etc.
600. Privilege of purchasing stores.

* See "Salaries" in Appendix.

II. MARINE CORPS.

- 601. Corps established. Pay.
- 602. Duty of quartermaster.
- 603. Reorganization of corps.
- 604. Pay and emoluments. Rations.
- 605. Assignment to any duty connected with the public defence. Temporary rank and command.
- 606. Term of enlistment.
- 607. Bounty.
- 608. Appropriation for bounty.
- 609. Additional non-commissioned officers and musicians.
- 610. Clerks to commandant and quartermaster.

III. SEAMEN.

- 611. Pay.
- 612. Additional number to be enlisted.
- 613. Bounty.
- 614. Certain seamen continued in service.

IV. GUNBOATS AND VESSELS OF WAR.

- 615. Armed vessels for seaboard and general defence.
- 616. Ten steam gunboats for coast defence.
- 617. Three additional for sea-coast defence.
- 618. Appropriation.
- 619. Contracts for building gunboats, etc., without advertising for proposals.
- 620. Supplies.
- 621. Issue of bonds to meet contract for six iron-clad vessels of war to be constructed abroad.
- 622. Substitution of bonds for others cancelled abroad.
- 623. Inventions.
- 624. Steamer "Florida;" payment for.
- 625. Payment to be made in eight per cent. bonds.

V. MISCELLANEOUS PROVISIONS.

- 626. Regulations.
- 627. United States laws continue in force.
- 628. Relative and assimilated rank.
- 629. Corps for service on Western waters.
- 630. Persons subject to enrolment for military service may enlist in the marine corps.
- 631. Duty of enrolling officer.
- 632. Pay of sailors and marines.
- 633. Employment of pilots.
- 634. Site for the preparation and safe-keeping of ordnance stores.
- 635. Impressment of supplies.
- 636. Clothing for enlisted men.

I. OFFICERS.

573. *The Congress of the Confederate States of America do enact*, That the President be authorized to appoint, in the manner prescribed by law, the following commissioned officers of the navy, viz: four captains, four commanders, thirty lieutenants, five surgeons, five assistant surgeons, six paymasters, and two chief engineers, and to employ as [many] masters, midshipmen, engineers, naval constructors, boatswains, gun-

March 16,
1861. § 1,
ch. 58.
Commissioned officers to be appointed

Masters,
midship-
men, engi-

ners, carpenters, sail-makers, and other warrant and petty officers and seamen as he may deem necessary, not to exceed in the aggregate three thousand.

neers, and others, to be employed.

574. The annual pay of said officers shall be as follows, viz :

Ibid, § 2.
Annual pay of :

Captains, when commanding squadrons, five thousand dollars.

Captains.

All other captains on duty at sea, four thousand two hundred dollars.

On other duty, three thousand six hundred dollars.

When on leave or waiting orders, three thousand dollars.

Commanders.—Every commander on duty at sea, for the first five years after the date of his commission, two thousand eight hundred and twenty-five dollars.

Commanders.

For the second five years after the date of his commission, three thousand one hundred and fifty dollars.

Every commander on other duty, for the first five years after the date of his commission, two thousand six hundred and sixty-two dollars.

For the second five years after the date of his commission, two thousand eight hundred and twenty-five dollars.

All other commanders, two thousand two hundred and fifty dollars.

Lieutenants commanding at sea, two thousand five hundred and fifty dollars.

Lieutenants.—Every lieutenant on duty at sea, one thousand five hundred dollars.

Lieutenants.

After he shall have seen seven years' sea-service, in the navy, one thousand seven hundred dollars.

After he shall have seen nine years' sea-service, one thousand nine hundred dollars.

After he shall have seen eleven years' sea-service, two thousand one hundred dollars.

After he shall have seen thirteen years' sea-service, two thousand two hundred and fifty dollars.

Every lieutenant on other duty shall receive one thousand five hundred dollars.

After he shall have seen seven years' sea-service in the navy, one thousand six hundred dollars.

After he shall have seen nine years' sea-service, one thousand seven hundred dollars.

After he shall have seen eleven years' sea-service, one thousand eight hundred dollars.

After he shall have seen thirteen years' sea-service, one thousand eight hundred and seventy-five dollars.

Every lieutenant on leave or waiting orders, one thousand two hundred dollars.

After he shall have seen seven years' sea-service in the navy, one thousand two hundred and sixty-six dollars.

After he shall have seen nine years' sea-service, one thousand three hundred and thirty-three dollars.

After he shall have seen eleven years' sea-service, one thousand four hundred dollars.

After he shall have seen thirteen years' sea-service, one thousand four hundred and fifty dollars.

Masters.

Masters.—Every master in the line of promotion, when on duty as such at sea, one thousand two hundred dollars.

When on other duty, one thousand one hundred dollars.

When on leave or waiting orders, eight hundred and twenty-five dollars.

Midshipmen

Midshipmen.—Every midshipman at sea, five hundred and fifty dollars.

When on other duty, five hundred dollars.

When on leave or waiting orders, four hundred and fifty dollars.

Surgeons.

Surgeons.—Every surgeon on duty at sea, for the first five years after the date of his commission as surgeon, two thousand two hundred dollars.

For the second five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand six hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand eight hundred dollars.

For twenty years' service and upward, after the

date of his commission as surgeon, three thousand dollars.

Fleet surgeons, three thousand three hundred dollars.

Every surgeon on other duty, for the first five years after the date of his commission as surgeon, two thousand dollars.

For the second five years after the date of his commission as surgeon, two thousand two hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand six hundred dollars.

For twenty years' service after the date of his commission as surgeon, two thousand eight hundred dollars.

Every surgeon on leave or waiting orders, for the first five years after the date of his commission as surgeon, one thousand six hundred dollars.

For the second five years after the date of his commission as surgeon, one thousand eight hundred dollars.

For the third five years after the date of his commission as surgeon, one thousand nine hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand one hundred dollars.

For twenty years' service and upward, after the date of his commission as surgeon, two thousand three hundred dollars.

Assistant Surgeons.—Every assistant surgeon on duty at sea, one thousand two hundred and fifty dollars. Assistant Surgeons.

When on other duty, one thousand and fifty dollars.

When on leave or waiting orders, eight hundred dollars.

Paymasters.—Every paymaster on duty at sea, for Paymasters.

the first five years after the date of his commission, two thousand dollars.

For the second five years after the date of his commission, two thousand four hundred dollars.

For the third five years after the date of his commission, two thousand six hundred dollars.

For the fourth five years after the date of his commission, two thousand nine hundred dollars.

For twenty years and upward after the date of his commission, three thousand one hundred dollars.

Every paymaster on other duty, for the first five years after the date of his commission, one thousand eight hundred dollars.

For the second five years after the date of his commission, two thousand one hundred dollars.

For the third five years after the date of his commission, two thousand four hundred dollars.

For the fourth five years after the date of his commission, two thousand six hundred dollars.

For twenty years' service and upward, after the date of his commission, two thousand eight hundred dollars.

Every paymaster on leave or waiting orders, for the first five years after the date of his commission, one thousand four hundred dollars.

For the second five years after the date of his commission, one thousand six hundred dollars.

For the third five years after the date of his commission, one thousand eight hundred dollars.

For the fourth five years after the date of his commission, two thousand dollars.

For twenty years' service and upward, after the date of his commission, two thousand two hundred and fifty dollars.

May 20, 1861
§ 3, ch. 32.
Assistant
Paymasters.

575. That the President be authorized to appoint six assistant paymasters of the navy, each to receive a salary of one thousand dollars when employed at sea, and seven hundred dollars when not thus employed; and all paymasters of the navy shall be taken from the grade of assistant paymasters.

576. The annual pay of assistant paymasters shall hereafter be, when on service afloat, twelve hundred dollars; on other duty, eleven hundred dollars.

April 21,
1862, § 5,
ch. 68.
Salary of
assistant
paymasters
increased.
March 16,
1861, § 2,
ch. 58.
Engineers.

577. *Engineers*.—Every chief engineer on duty, for the first five years after the date of his commission, one thousand eight hundred dollars.

For the second five years after the date of his commission, two thousand two hundred dollars.

For the third five years after the date of his commission, two thousand four hundred and fifty dollars.

After fifteen years after the date of his commission, two thousand six hundred dollars.

Every chief engineer on leave or waiting orders, for the first five years after the date of his commission, one thousand two hundred dollars.

For the second five years after the date of his commission, one thousand three hundred dollars.

For the third five years after the date of his commission, one thousand four hundred dollars.

After fifteen years' service after the date of his commission, one thousand five hundred dollars.

Every first assistant engineer on duty, one thousand two hundred and fifty dollars.

When on leave or waiting orders, nine hundred dollars.

Every second assistant engineer on duty, one thousand dollars.

When on leave or waiting orders, seven hundred and fifty dollars.

Every third assistant engineer on duty, seven hundred and fifty dollars.

When on leave or waiting orders, six hundred dollars.

578. That the annual pay of the engineer-in-chief of the navy, and passed assistant surgeons, shall be as follows: Engineer-in-chief, three thousand dollars; passed assistant surgeons, for service afloat, seventeen hundred dollars; for shore or other duty, fifteen hundred dollars; when on leave or waiting orders, twelve hundred dollars.

Sept. 26,
1862, ch. 13.
Pay of engi-
neer-in-chief
and passed
assistant
surgeons.

March 16,
1861, § 2,
ch. 58.
Warrant
officers.

579. *Warrant Officers*.—Every boatswain, gunner, carpenter, and sail-maker on duty at sea, for the first three years' sea-service after the date of his warrant, one thousand dollars.

For the second three years' sea-service after the date of his warrant, one thousand one hundred and fifty dollars.

For the third three years' sea-service after the date of his warrant, one thousand two hundred and fifty dollars.

For the fourth three years' sea-service after the date of his warrant, one thousand three hundred and fifty dollars.

For twelve years' sea-service and upward, one thousand four hundred and fifty dollars.

When on other duty :

For the first three years of sea-service after the date of his warrant, eight hundred dollars.

For the second three years' sea-service after the date of his warrant, nine hundred dollars.

For the third three years of sea-service after the date of his warrant, one thousand dollars.

For the fourth three years' sea-service after the date of his warrant, one thousand one hundred dollars.

For twelve years' sea-service and upward, one thousand two hundred dollars.

When on leave or waiting orders :

For the first three years' sea-service after the date of his warrant, six hundred dollars.

For the second three years' sea-service after the date of his warrant, seven hundred dollars.

For the third three years' sea-service after the date of his warrant, eight hundred dollars.

For the fourth three years' sea-service after the date of his warrant, nine hundred dollars.

For twelve years' sea-service and upward, one thousand dollars.

That the commissioned officers hereinbefore provided for, and who shall not be nominated before the adjournment of Congress, may be appointed by the

Appoint-
ment by the
President
during
recess of
Congress.

President during the recess, to hold their commissions until the next session of Congress.

580. In computing the length of service of such officers as were attached to the Navy of the United States, but who have resigned, and have been or may be received into the service of the Confederate States, their period of service in the Navy of the United States shall be included, and no service shall be regarded as sea-service in the purview of said act but such as shall actually be performed at sea, and in vessels employed by authority of law.

Ibid. § 3.
Mode of
computing
length of
service of
officers for-
merly at-
tached to
U. S. Navy.

581. That in case officers who were formerly attached to the Navy of the United States, but had resigned in consequence of the secession of any one or of all of the Confederate States, should receive appointments in the Navy of the Confederate States, the President is authorized to affix to their commissions such dates as may be necessary to secure to them the same relative position that they held in the former service.

March 16,
1861, ch. 62.
Date of com-
missions of
officers
formerly at-
tached to
U. S. Navy.

582. That the President be and he is hereby authorized to nominate, and by and with the advice and consent of Congress to appoint, all officers of the Navy of the United States, who have resigned or may hereafter resign their commissions on account of the secession of any or all of the Confederate States, and who may be fit for active service, to the same rank and position in the Navy of the Confederate States which they held in that of the United States: *Provided, however,* That no officer shall be so appointed who may at any time have committed any act of hostility against the Confederate States or any one thereof.

May 20, 1861
§ 1, ch. 32.
Appoint-
ment of
officers
formerly
attached to
U. S. Navy.

583. That the Secretary of the Navy cause to be paid to those officers of the navy and marine corps, who resigned from the Navy and Marine corps of the United States, in consequence of secession, and who were arrested and imprisoned in consequence of such resignation, and who subsequently joined the Navy and Marine corps of the Confederate States, leave of absence pay for and during the term of such imprison-

April 11,
1863, ch. 17.
Leave of ab-
sence pay of
officers
resigned
from U. S.
service, and
imprisoned.

ment, and up to the time of their appointment in the Navy and Marine corps of the Confederate States.

Dec. 24, 1861
ch. 24.
Additional
officers.

584. That the President be and he is hereby authorized to appoint the following officers of the navy, in addition to those heretofore authorized [573, 575], to wit: two captains, five commanders, fifty lieutenants, ten assistant paymasters, and thirty assistant surgeons; said appointments to be made from the navy and from civil life, as the President may see fit, and to terminate at the end of the war.

Appoint-
ments from
civil life.

April 21,
1862, § 1,
ch. 68.
Grades es-
tablished.

585. That the grades of the commissioned officers of the Navy of the Confederate States shall hereafter be as follows, to wit: four admirals, ten captains, thirty-one commanders, one hundred first lieutenants, twenty-five second lieutenants, twenty masters in line of promotion, twelve paymasters, forty assistant paymasters, twenty-two surgeons, fifteen past assistant surgeons, thirty assistant surgeons, one engineer-in-chief, and twelve engineers.

April 4, 1863
ch. 16.
Chief engi-
neers.

586. That the twelve engineers in the navy, authorized by the act number three hundred and sixty-two,* approved April twenty-first, eighteen hundred and sixty-two, shall hereafter be known and designated as chief engineers.

April 21,
1862, § 2,
ch. 68.
Appoint-
ments for
meritorious
conduct.

587. All the admirals, four of the captains, five of the commanders, twenty-two of the first lieutenants, and five of the second lieutenants, shall be appointed solely for gallant or meritorious conduct during the war. The appointments shall be made from the grade immediately below the one to be filled, and without reference to the rank of the officer in such grade, and the service for which the appointment shall be conferred shall be specified in the commission: *Provided*, That all officers below the grade of second lieutenant may be promoted more than one grade for the same service.

Ibid, § 3.
Warrant
officers.

588. The warrant officers shall be as follows: twenty passed midshipmen, one hundred and six acting midshipmen, fifty first assistant engineers, one hundred

* It should be ch. 68. See 585.

and fifty second assistant engineers, one hundred and fifty third assistant engineers, ten boatswains, twenty gunners, six sail-makers, and twenty carpenters.

589. The annual pay of the additional grades created by this act shall be as follows: Admirals, six thousand dollars; second lieutenant, for service afloat, twelve hundred dollars—when on leave or other duty, one thousand dollars; master in the line of promotion, one thousand dollars for service afloat—when on leave or other duty, nine hundred dollars; passed midshipmen, nine hundred dollars for service afloat—when on leave or other duty, eight hundred dollars.

Ibid, § 4.
Pay of additional grades

590. That from and after the passage of this act the pay of master's-mates in the navy shall be forty dollars per month.

April 30, 1863, ch. 52.
Pay of master's-mates.

591. That the President be and he is hereby authorized to appoint, by and with the advice and consent of the Senate, one chief constructor in the navy, whose compensation shall be three thousand dollars per annum, and who shall perform such duties as may be directed by the Secretary of the Navy.

April 30, 1863, ch. 53.
Chief constructor.

592. That the President be and he is hereby authorized to appoint three naval storekeepers, whose duties shall be performed under the direction of the Secretary of the Navy. The compensation of such officers shall not exceed seventeen hundred dollars per annum; and before entering upon the duties of their offices, each of them shall give a bond in such form and penalty as the President may prescribe.

Oct. 13, 1862
ch. 48.
Naval storekeepers.

593. That the President be authorized to assign officers of the navy to any duty connected with the defence of the country, and suitable to their rank, which he may deem proper.*

May 20, 1861
§ 2, ch. 32.
Assignment of officers.

594. That the President be and he is hereby authorized to confer on any officer of the navy, ordered to do duty on shore with troops, such temporary military rank and command, and with such limitations and restrictions, as he may deem proper.*

Dec. 24, 1861
§ 1, ch. 19.
Temporary military rank and command.

595. Any officer of the navy on whom military rank and command shall be conferred, in virtue of the fore-

Ibid, § 2.
Rank in the navy retained, and same pay, etc.

* Amended so as to apply to marine corps. See 605.

going section, shall retain his rank in the navy, and shall be entitled only to the same pay and emoluments that he would have received if no such rank and command had been conferred on him.*

January 16,
1862, ch. 43.
Appoint-
ment to
higher grade

596. That the President is authorized to appoint officers of the Regular Navy to any higher grade under the act above-mentioned [584], without prejudice to their position under their original appointment.

Dec. 24, 1861
ch. 21.
Chaplains
for C. S. na-
val vessels.

597. That whenever any vessel of the Confederate States Navy shall be about to depart for any point beyond the limits of the Confederate States, the President may, in his discretion, employ a chaplain for the voyage, who shall receive the same pay [248 *et seq.*] and emoluments as chaplains in the army.

April 19,
1862, ch. 50.
Chaplains
for naval
hospitals.

598. That the President may, in his discretion, appoint and assign to the naval hospitals in the Confederate States chaplains for service during the continuance of the existing war, who shall receive the same pay [248 *et seq.*] and emoluments as chaplains in the army.

Feb. 16, 1864
§ 1, ch. 40.
Rations,
quarters,
fuel, etc.

599. That the commissioned and warranted officers of the Navy of the Confederate States, on duty, are hereby allowed rations, quarters, and fuel, or commutation therefor, as are now or may hereafter be allowed officers of the army, viz: To admirals, the same as generals; to vice-admirals, the same as lieutenant-generals; to rear-admirals, the same as major-generals; to commodores and captains, the same as brigadier-generals and colonels; to commanders and first lieutenants, the same as lieutenant-colonels and majors; to second lieutenants and lieutenants for the war, the same as captains and chaplains; to masters and passed midshipmen, the same as lieutenants; and to officers of the medical, pay, and engineer corps, to naval constructors, and to boatswains, gunners, carpenters, and sail-makers, the same as to the foregoing officers of the line of the navy with whom they have assimilated rank.

Ibid, § 2.
Privilege of
purchasing
stores.

600. That all the navy officers in the foregoing grades shall have the same privilege of purchasing

* Amended so as to apply to marine corps. See 605.

commissary and quartermaster's stores [238 *et seq.*] as are now, or may hereafter be, allowed to officers of the army.

II. MARINE CORPS.*

601. There shall be a corps of marines, to consist of [603] one major, one quartermaster, one paymaster, one adjutant, one sergeant-major, one quartermaster-sergeant, and six companies, each company to consist of one captain, one first and one second lieutenant, four sergeants, four corporals, one hundred men, and two musicians; and the pay and allowances of the officers and enlisted men shall be the same as that of the officers and enlisted men of like grade in the infantry of the army [70, 75, 632], except that the ration of the enlisted marine shall be the ration allowed by law to seamen.

March 16,
1861, § 5,
ch 58.
Corps estab-
lished.

Pay.

602. It shall be the duty of the quartermaster of the marine corps to visit the different posts where portions of the corps may be stationed, as often as may be necessary for the proper discharge of his duties.

Ibid, § 7.
Duty of
quartermas-
ter.

603. That from and after the passage of this act the corps of marines shall consist of one colonel, one lieutenant-colonel, one major, one quartermaster with the rank of major, one paymaster with the rank of major, one adjutant with the rank of major, one sergeant-major, one quartermaster-sergeant, ten captains, ten first lieutenants, twenty second lieutenants, forty sergeants, forty corporals, and eight hundred and forty privates, ten drummers, and ten fifers, and two musicians.

May 20, 1861
§ 1, ch. 31.
Reorganiza-
tion of corps.

604. The pay and emoluments of the officers and enlisted men shall be the same as that of the officers and enlisted men of like grade in the infantry of the army [70, 75, 632], except that the paymaster and the adjutant shall receive the same pay as the quartermaster, and the adjutant shall be taken from the captains and subalterns of the corps, and separated from the line.

Ibid, § 2.
Pay and
emoluments

* For pay of officers of marine corps resigned from United States Marine corps, and who were arrested and imprisoned in consequence thereof, 583.

For transfer of soldiers to marine corps. see 630, 631.

Rations.

The rations of enlisted marines shall be the rations allowed by law to seamen. All acts inconsistent with the provisions of this act are hereby repealed.

Feb. 5, 1862
ch. 66.
Assignment
to any duty
connected
with the
public de-
fence.

605. That the second section of an act entitled "An act to amend an act to provide for the organization of the navy, approved March sixteenth, eighteen hundred and sixty-one," approved May twentieth, eighteen hundred and sixty-one [593], and the act entitled "An act to authorize the President to confer temporary rank and command on officers of the navy doing duty with troops," approved December twenty-fourth, eighteen hundred and sixty-one [594], be so amended as to include officers of the marine corps.

Temporary
rank and
command.

April 10,
1862, § 1,
ch. 23.
Term of en-
listments.

606. That from and after the passage of this act enlistments in the marine corps shall be for the term of the existing war, or for the period of three years, as the recruit may elect at the time of enlistment.

Ibid, § 2.
Bounty.

607. That every able-bodied man who may enlist and be received into the marine corps shall be entitled to a bounty of fifty dollars, to be paid at the time of joining the corps, and every non-commissioned officer, musician, and private now in the marine corps, who may have enlisted for three years, shall be entitled to receive the sum of forty dollars, as an equivalent to bounty.

Ibid, § 3.
Appropriation
for bounty.

608. That for the purpose of carrying into effect the provisions of this act, the sum of forty thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Sept. 24,
1862, ch. 9.
Additional
non-commis-
sioned offi-
cers and
musicians.

609. That from and after the passage of this act there shall be allowed to the marine corps, in addition to the number of non-commissioned officers and musicians allowed by the first section of the act of Congress approved May twentieth, eighteen hundred and sixty-one [603], twenty sergeants, twenty corporals, twenty drummers, twenty fifiers, and two principal musicians—each principal musician to receive the pay and allowance of a sergeant-major [75].

April 30,
1863, ch. 56.
Clerks to
command-
ant and

610. That the Secretary of the Navy be and he is hereby authorized to appoint one clerk to the commandant of the marine corps, and one clerk to the

quartermaster of the marine corps, at a compensation not to exceed fifteen hundred dollars per annum each. quartermas-
ter.

III. SEAMEN.*

611. The pay of seamen of the navy shall be determined by the President, and may be altered by him from time to time as circumstances may require [632]. March 16,
1861, § 4,
ch. 58.
Pay.

612. That the President be authorized to enlist for the war any additional number of seamen, not to exceed two thousand, that the exigencies of the naval service, and the defence of the sea-coast and of rivers and harbors may, in his judgment, render necessary. Dec. 10, 1861
ch. 8.
Additional
number to
be enlisted.

613. That the Secretary of the Navy is hereby authorized to give a bounty of fifty dollars to all persons enlisted as seamen, who shall enlist for three years or for the war. And the provisions of this act shall, in like manner, extend to all seamen heretofore enlisted who will extend the term of their enlistment to three years or for the war—said bounty to be paid at the time of said enlistment. Jan. 16, 1862
ch. 42.
Bounty.

614. That all seamen and ordinary seamen now in the service of the Confederate States, between the ages of eighteen and forty-five, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have sooner ended. April 2, 1863
ch. 13.
Certain
seamen con-
tinued in
service.

IV. GUNBOATS† AND VESSELS OF WAR.

615. That the President be and he is hereby authorized to purchase or charter, arm, equip, and man such merchant vessels and steamships or boats as may be found fit or easily converted into armed vessels, and in such number as he may deem necessary for the protection of the seaboard and the general defence of the country. March 6,
1861, § 10,
ch. 26.
Armed ves-
sels for sea-
board and
general
defence.

* For authority to employ, see 573.

For transfer from army, 149, 150, 631.

† For corps for special service on Western waters, see 629.

For floating defences of Mississippi river, see 199.

For defences of Mobile bay, see 200, 201.

March 15,
1861, ch. 45.
Ten steam
gunboats for
coast
defence.

616. That the President be and he is hereby authorized to cause to be constructed or purchased ten steam gunboats for coast defence, whereof five shall be of a tonnage not exceeding seven hundred and fifty tons, and five of a tonnage not exceeding one thousand tons.

Aug. 29, 1861
§ 1, ch. 47.
Three additional for
sea-coast
defence.

617. That in addition to the gunboats heretofore authorized by law, the President be and he is hereby authorized, in his discretion, to cause to be constructed three others, specially adapted to sea-coast defence.

Ibid, § 2.
Appropriation.

618. That the sum of four hundred and twenty thousand dollars be and the same is hereby appropriated to the object specified in the foregoing section.

Aug. 29, 1861
ch. 49.
Contracts for building
gunboats,
etc., without
advertising
for proposals

619. That the Secretary of the Navy be and he is hereby authorized, in case he should deem it advisable, to contract for building any gunboats for which appropriations have been or may be made during the present or any previous session of Congress, or for altering other vessels so as to convert them into gunboats, without advertising for proposals for such work, as required by law: *Provided*, That the contracts so made shall be in writing, and shall be placed on file in the Navy department, and a copy thereof deposited, without delay, in the office of the Controller of the Treasury.

April 11,
1863, ch. 18.
Supplies.

620. That the above entitled act [619] be so amended as to authorize the Secretary of the Navy, in case he should deem it advisable, to contract for all supplies required for the navy, without advertising for proposals as required by law: *Provided*, [That] this act shall expire at the end of the present war.

Sept. 19,
1862, ch. 4.
Issue of
bonds to
meet contract for six
iron-clad
vessels of
war to be
constructed
abroad.

621. That the Secretary of the Treasury be and he is hereby authorized to issue, in addition to the amounts heretofore authorized to be issued, three millions five hundred thousand dollars of Confederate States bonds, under the provisions and conditions of the act entitled "An act to authorize the issue of treasury notes, and to provide a war tax for their redemption," approved August nineteenth, eighteen hundred and sixty-one, and by the further supplemental act to the above cited act, approved December

nineteenth, eighteen hundred and sixty-one, to meet a contract made by the Secretary of the Navy for six iron-clad vessels of war and six steam-engines and boilers complete, to be constructed abroad, and said bonds, when issued, shall be delivered to the persons entitled to them under the above recited contract.

622. That the Secretary of the Treasury be and he is hereby authorized, upon the receipt of satisfactory evidence that eight per centum bonds, issued by him upon the requisitions of the Secretary of the Navy, dated October the eighteenth and twenty-seventh, eighteen hundred and sixty-two, for one million of dollars each, have been cancelled abroad, to substitute and deliver to the Secretary of the Navy an equal number of bonds of like character.

Jan. 9, 1864
ch. 8.
Substitution
of bonds for
others
cancelled
abroad.

623. That if any person who may have invented or may hereafter invent any new kind of armed vessel, or floating battery, or defence, shall deposit a plan of the same, accompanied by suitable explanations or specifications, in the Navy department, together with an affidavit setting forth that he is the inventor thereof, such deposit and affidavit (unless the facts set forth therein shall be disproved) shall entitle such inventor or his assigns to the sole and exclusive enjoyment of the rights and privileges conferred by this act—reserving, however, to the government, in all cases, the right of using such invention.

May 21, 1861
§ 2, ch. 50.
Inventions.

624. That the Secretary of the Treasury pay to the proper authorities of the State of Alabama the sum of ninety thousand dollars, being the sum paid by said state for the steamer Florida, which vessel was turned over by said state to the Confederate States for a gunboat.

April 22,
1863, § 1,
ch. 37.
Steamer
"Florida;"
payment for.

625. That the said sum of ninety thousand dollars be paid in bonds of the Confederate States, bearing interest at the rate of eight per centum per annum, and payable at not less than twenty nor more than thirty years, and redeemable at the option of the government, after five years—which bonds the Secretary of the Treasury is authorized to issue.

Ibid, § 2.
Said sum to
be paid in
eight per
cent. bonds.

V. MISCELLANEOUS PROVISIONS.

March 16,
1861, § 8,
ch. 53.
Regulations

626. It shall be the duty of the Secretary of the Navy to prepare and publish regulations for the general government of all persons connected with or employed in the naval service, which regulations shall take effect as soon as they shall be approved by the President and published.

Ibid, § 9.
U. S. laws
continued
in force.

627. All laws of the United States heretofore enacted for the government of the officers, seamen, and marines of the Navy of the United States, that are not inconsistent with the provisions of this act, are hereby adopted and applied to the officers, seamen, and marines of the Navy of the Confederate States.

Ibid, § 10.
Relative and
assimilated
rank.

628. The President may determine the relative and assimilated rank which officers of the navy shall hold toward those of the army.

Jan. 14, 1862
ch. 39.
Corps for
service on
the Western
waters.

629. That the President be and he is hereby authorized to raise a corps for the temporary and special service on the Western waters, to cause to be enlisted a number of men not exceeding six thousand, and of such commissioned and non-commissioned officers, and of such rank, either naval or military, as the President may deem necessary, who shall severally receive such pay and allowances as he may determine.

Oct. 2, 1862
§ 1. ch. 24.
Persons sub-
ject to enrol-
ment for
military ser-
vice may
enlist in the
marine
corps.

630. That from and after the passage of this act any person subject to enrolment for military service under the acts of Congress providing for the public defence, shall be permitted to enlist in the marine corps at any time prior to being mustered into the Army of the Confederate States: *Provided*, That the number of men so enlisted does not increase the marine corps beyond the strength authorized by law.

Ibid, § 3.
Duty of en-
rolling
officer.

631. That if any person who has been or is about to be enrolled for service in the army shall, at any time before being assigned to any company, declare to the enrolling or commanding officer that he prefers being enrolled for service in the navy or the marine corps, it shall be the duty of the said officer to enroll such person for the service which he may prefer, and to

transmit to the Secretary of the Navy a list of the persons so enrolled.

632. That from and after the passage of this act the pay of sailors and marines shall be increased four dollars per month.

Ibid, § 3.
Pay of
sailors and
marines.

633. That the Secretary of the Navy be and is hereby authorized to employ for service on board of vessels, used or owned by the Confederate States for purpose of running the blockade of any of the ports of the Confederacy, the most skilful pilots, on such terms as to him shall seem best and requisite to secure their services, either by the month or the single or round voyage.

April 4,
1863, ch. 15.
Employ-
ment of
pilots.

634. That the Secretary of the Navy be and he is hereby authorized to lease, for a period not exceeding five years, a site, with or without buildings, as he may deem most expedient, near the City of Richmond, for the preparation and safe-keeping of ordnance stores: *Provided*, That the quantity of land leased does not exceed two acres.

April 27,
1863, ch. 42.
Site for the
preparation
and safe-
keeping of
ordnance
stores.

635. That the above entitled act* be so amended as to embrace the impressment of supplies required for the navy as well as the army.

April 30,
1863, ch. 54.†
Impress-
ment of
supplies.

636. That during the continuance of the war the Secretary of the Navy be and he is hereby authorized to issue clothing to the enlisted men of the navy, under such regulations as he may prescribe, at an advance of not exceeding fifty per centum upon the prices at which such supplies were furnished at the commencement of the war.

April 30,
1863, ch. 55.
Clothing for
enlisted
men.

XXV.—PROVISIONAL NAVY.

637. Appointment of officers.

638. Transfer from the Regular Navy.

639. Officers of Regular Navy appointed to Provisional Navy.

640. Officers of Regular Navy appointed to rank of admirals, vice-admirals, etc.

* "An act to regulate impressments" [428].

† TITLE: An act to amend an act entitled "An act to regulate impressments," approved March twenty-sixth, eighteen hundred and sixty-three [423].

641. Assimilated rank.

642. Pay.

643. Laws and regulations.

May 1, 1863
§ 1, ch. 85.
Appointment of
officers.

637. There shall be a Provisional Navy of the Confederate States, the officers of which shall be appointed by the President, by and with the advice and consent of the Senate, and hold their commissions during the present war. All officers appointed from the Regular Navy shall have, at its formation, the same relative position and rank they held in the Regular Navy.

Ibid, § 2.
Transfers
from the
Regular
Navy.

638. All the warrant officers who may be fit for active service, and all the petty officers, seamen, ordinary seamen, landsmen, boys, firemen, coal-heavers, and employees of every description, and all the vessels, armament, and material of every description belonging to the navy shall, so far as may be deemed necessary by the President, be considered as transferred to and as forming part of the Provisional Navy; and the President is hereby authorized to appoint such additional officers, and to employ such petty officers, seamen, ordinary seamen, landsmen, boys, firemen, and coal-heavers as he may deem necessary.

Ibid, § 3.
Officers of
Regular
Navy appointed to
Provisional
Navy.

639. When an officer of the Regular Navy is appointed to the Provisional Navy, such appointment shall not alter or affect his rank or position in the Regular Navy.

Ibid, § 4.
Officers of
Regular
Navy appointed to
rank of
admirals,
vice-admirals,
etc.

640. All commissioned officers of the Regular Navy shall be appointed by the President, by and with the advice and consent of the Senate, whenever, in his judgment, the public service requires their appointment, and in such numbers as he may think necessary, to the following ranks and grades, viz: Admirals, vice-admirals, rear-admirals, commodores, and to such other ranks and grades as may exist in the Regular Navy.

Ibid, § 5.
Assimilated
rank.

641. All questions in regard to the assimilated rank between officers of the Provisional Army and Provisional Navy, and between officers of the Regular Navy and Provisional Navy, shall be fixed by regulation.

Ibid, § 6.
Pay.

642. Officers of the Provisional Navy shall be paid as follows: Admirals, the same as is now fixed by law

for admirals in the Regular Navy [589]; vice-admirals and rear-admirals, the same as is now fixed by law for flag-officers in the Regular Navy [574]; commodores, the same as is now fixed by law for captains in the Regular Navy [574]. All other ranks, grades, and persons the same that similar ranks, grades, and persons receive in the Regular Navy.

643. All laws and regulations for the government of the Regular Navy shall apply to the Provisional Navy. Ibid, § 7.
Laws and
regulations.

XXVI.—VOLUNTEER NAVY.

- 644. Private armed vessels received.
- 645. Vessels armed and provided at the expense of persons applying for service.
- 646. Grades of commissioned officers. Warrant officers. Pay. Uniform. Descriptive list, shipping articles, etc.
- 647. Authority to capture enemy's vessels and property. Proceedings in cases of prize.
- 648. Recaptures. Salvage.
- 649. Bounty for vessels destroyed and for prisoners captured.
- 650. Five per cent. of prize and compensation money to be paid into the Treasury for relief of the wounded and others.
- 651. Vessels, officers, and crews may be received beyond the Confederate States.
- 652. Assistant paymasters. Who ineligible.
- 653. Not to apply to certain persons sent abroad.

644. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby authorized to receive into the service of the government private armed vessels, to be organized into a Volunteer Navy, and to appoint and commission officers for the same, who shall serve during the war, unless sooner discharged, under rules and regulations hereinafter prescribed, and such as may hereafter be established: *Provided, however*, That no vessel of less capacity than one hundred tons shall be received into said volunteer service. April 18,
1863.
§ 1. ch. 30.
Private armed
vessels
received.

645. Any person or persons applying for service under this act, shall arm, man, provide, and furnish the vessel or vessels to be used at his or their own expense, and shall furnish in writing to the Secretary of the Navy the name, armament, and character of such vessel or vessels, and the names of the persons to be Appointment
of officers
for the
war.

Ibid, § 2.
Vessels armed
and provided
at the
expense of
persons
applying for
service.

commissioned and warranted as officers, with the evidence of their character and fitness for the service; and if, in the judgment of the President, the vessel or vessels shall be fit for the service, and the parties named as officers be worthy to command, the President shall be authorized to receive such vessel or vessels into the Volunteer Navy of the Confederate States of America, and to commission the officers for the same to serve during the war, unless sooner discharged.

Ibid, § 3.
Grades of
commissioned
officers.

Warrant
officers.

Pay.

Uniform.

Descriptive
list, shipping
articles, etc.

646. The grades of commissioned officers of the Volunteer Navy shall be as follows: Commander, first lieutenant, second lieutenant, assistant surgeon, and first and second assistant engineers. And the President may direct the Secretary of the Navy to issue warrants to such masters, boatswains, gunners, carpenters, and sail-makers as he may deem necessary for such service; and the pay of the officers and crew shall be as follows: For a commander, twenty-five dollars per month; for a first lieutenant, twenty dollars per month; for a second lieutenant, fifteen dollars per month; for an assistant surgeon, fifteen dollars per month; for an assistant engineer, fifteen dollars per month; for a second assistant engineer, ten dollars per month; for warrant officers, ten dollars per month; for seamen, five dollars per month; but such pay shall be given only for sea-service. And the President may prescribe a uniform for the officers and seamen; and when any vessel or vessels shall be prepared for service, and received under the provisions of this act, it or they shall be under the control and direction of the President, and subject to all the laws, rules, and regulations of the Regular Navy of the Confederate States, except as otherwise provided for in this act. It shall be the duty of the commander of every such vessel to transmit to the Secretary of the Navy, as early as practicable after the organization of his crew, a descriptive list thereof, together with a duplicate of their shipping articles or enlistment rolls, and of the contract between owners, officers, and crew, for the division of prize-money.

Ibid, § 4.
Authority to

647. That the vessels of the Volunteer Navy are

authorized to seize, capture, and destroy upon the sea, or within the ebb and flow of the tide, all vessels and property of the United States, and of the citizens thereof; and ninety per cent. of the value of all such captures, less the costs and expenses of adjudication, shall be forfeited, and accrue to the benefit of the owners, officers, and crews of the vessels making such captures; and all vessels and property captured as aforesaid shall be proceeded against and adjudicated as in other cases of prize under the laws of the Confederate States [661, 662], which are hereby extended over the same; and the proceeds accruing from such condemnations shall be distributed under order of the court having jurisdiction thereof, according to the written agreement between the parties entitled to the same; but if there be no such written agreement, then one-half to the owners of the vessel, and the other half to the officers and crews, according to the rules prescribed for the distribution of prize-money in the Regular Navy.

capture enemy's vessels and property

Proceedings in cases of prize.

648. All vessels, goods, and effects, the property of any citizen of the Confederate States, or of any persons resident in and under the protection of the Confederate States, or of persons permanently within the territories and under the protection of any foreign prince, government, or state in amity with the Confederate States, which shall have been captured by the forces of the United States of America, and recaptured by vessels commissioned under this act, shall be restored to their lawful owners, upon payment by them of a just and reasonable salvage, to be determined by the agreement of the parties mutually concerned, or by the decree of any court having competent jurisdiction. And such salvage shall be distributed amongst the owners, officers, and crews of the vessels making such captures, according to the manner and upon the principles heretofore provided for in such cases of capture and prize [660].

Ibid, § 5.

Recaptures.

Salvage.

649. The owners, officers, and crews of vessels commissioned under this act shall be entitled to receive, from the Treasury of the Confederate States, twenty-five per cent. of the value of every armed vessel, or

Ibid, § 6.
Bounty for vessels destroyed and for prisoners captured.

military or naval transport in the service of the United States which they may burn, sink, or destroy, and the sum of twenty-five dollars for every prisoner captured on board such vessel or transport, and brought into the Confederate States. And the Secretary of the Navy is hereby authorized to distribute the compensation accruing under this section in the same manner and on the same principles as hereinbefore provided in cases of prize and capture [659]. All questions of relative or assimilated rank between the Regular and Volunteer Navy shall be decided by the President.

Ibid. § 7.
Ten percent.
of prize and
compensation
money
to be paid in-
to the Treas-
ury for relief
of the
wounded
and others.

650. The remaining ten per cent. [647] of all prize and compensation money accruing under this act shall be paid into the Treasury of the Confederate States, to be held by the government as a fund for the maintenance of such persons as may be wounded, and of the widows and orphans of those slain while engaged in such service, to be assigned and distributed as shall hereafter be provided for by law.

Feb. 11, 1864
§ 1, ch. 30.
Vessels, offi-
cers, and
crews may
be received
beyond the
Confederate
States.

651. That the act entitled "An act to establish a Volunteer Navy," approved April eighteenth, eighteen hundred and sixty-three [644 *et seq.*], be so amended that the President be and he is hereby authorized to issue the commissions and warrants contemplated by said act, under such regulations as he may prescribe, to applicants for service in the Volunteer Navy, when satisfied that said applicants will furnish a suitable vessel for said service, and to receive into the Volunteer Navy said vessel, and her officers and crew, within or beyond the Confederate States.

Ibid. § 2.
Assistant
paymasters.

652. That the President be and he is hereby authorized to appoint assistant paymasters for the Volunteer Navy, who shall receive, when on duty at sea, fifteen dollars per month. But no person under forty-five years of age, and liable to perform military duty, shall receive such appointment.

Who inelig-
ible.

Feb. 17, 1864
ch. 68.
Not to apply
to certain
persons sent
abroad.

653. That the second section of the aforesaid act of the eleventh February, eighteen hundred and sixty-four [652], shall not apply to any persons who, prior to the passage of said act, had been sent abroad as

assistant paymaster, or for the purpose of disbursing funds in the purchase or equipment of vessels.

XXVII.—MARITIME LAW.

654. Preamble. Declaration of principles.

654. Whereas the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, in a conference held at Paris on the 16th of April, 1856, made certain declarations respecting maritime law, to serve as uniform rules for their guidance in all cases arising under the principles thus proclaimed: And whereas it being desirable not only to attain certainty and uniformity, as far as may be practicable, in maritime law, but also to maintain whatever is just and proper in the established usages of nations, the Confederate States of America deem it important to declare the principles by which they will be governed in their intercourse with the rest of mankind. Now, therefore,

Aug. 13, 1861
Res. 4.
Preamble.

Be it resolved, by the Congress of the Confederate States of America, 1. That we maintain the right of privateering, as it has been long established by the practice and recognized by the law of nations.

Declaration
of principles.

2. That the neutral flag covers enemy's goods, with the exception of contraband of war.

3. That neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

4. That blockades, in order to be binding, must be effectual—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

XXVIII.—PRIVATEERS AND PRIZES.

655. Preamble. Letters of marque and reprisal. Enemy's property on neutral vessels. United States vessels in ports of the Confederate States.

656. Revocation of letters of marque and reprisal.

- 657. Application for letters of marque and reprisal.
- 658. Bond.
- 659. Captures and prizes; how distributed.
- 660. Recapture of vessels belonging to Confederate States citizens. Salvage.
- 661. Captured vessels to be taken before the courts for condemnation before breaking bulk. District court to have exclusive original cognizance when brought within the Confederate States.
- 662. Authority to break bulk in certain cases.
- 663. Persons on board of captured or recaptured vessels to be reported to collector and delivered to the marshal.
- 664. Unarmed vessels; their officers, crews, and passengers.
- 665. Instructions.
- 666. Bounty for vessels destroyed and for prisoners captured.
- 667. Payment in addition to bounty of twenty per centum on the value of every vessel of war destroyed. Valuation; how made.
- 668. Bounty not allowed for prisoners in certain cases.
- 669. Evidence to establish value of armed vessels and their armaments when destroyed.
- 670. Bounty for destroying armed vessels by new inventions.
- 671. Inventions of new kinds of armed vessels, etc.
- 672. Journal to be kept by the commander of every privateer. Delivery of journal to collector of customs. Duty of collector on arrival of vessels.
- 673. Penalty for violating the foregoing provisions.
- 674. Violation of revenue laws.
- 675. Deduction of duties on captured goods brought into the Confederate States.
- 676. Fund for support of the widows and orphans of persons slain on board of privateers, and for support of the disabled.
- 677. Prizes to be sold at auction by the marshal of the district in which they are condemned.
- 678. Prizes to be sold in certain cases by the marshal of the adjoining district.
- 679. Distribution of proceeds of sales.
- 680. Marshal's commissions.
- 681. Account of sales to be filed.
- 682. Removal of prizes before libel is filed.
- 683. Purchaser may change name of vessel.
- 684. Relinquishment of government claim for vessels captured by Captain Hollins and others.

May 6, 1861,
 § 1, ch. 3.
 Preamble.

655. Recognizing the existence of war between the United States and the Confederate States: and concerning letters of marque, prizes, and prize goods.

Whereas the earnest efforts made by this government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two governments upon principles of right, justice, equity, and good faith, have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this government for the purposes aforesaid, or to listen to any proposals they had to make for the peaceful solution of all causes of diffi-

culty between the two governments: and whereas the President of the United States of America has issued his proclamation making requisition upon the states of the American Union for seventy-five thousand men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of and belonging to the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized, and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States: and whereas the State of Virginia has seceded from the Federal Union and entered into a convention of alliance offensive and defensive with the Confederate States, and has adopted the Provisional Constitution of the said states; and the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, and Missouri have refused, and it is believed that the State of Delaware and the inhabitants of the Territories of Arizona and New Mexico, and the Indian territory south of Kansas, will refuse, to co-operate with the Government of the United States in these acts of hostilities and wanton aggression, which are plainly intended to overawe, oppress, and finally subjugate the people of the Confederate States: and whereas, by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States and the states and territories thereof, except the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, Missouri, and Delaware, and the Territories of Arizona and New Mexico, and the Indian territory south of Kansas: Therefore,

The Congress of the Confederate States of America do enact, That the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions, or letters of marque and general repri-

Letters of
marque and
reprisal.

Enemy's
property on
neutral
vessels.

U. S. vessels
in ports of
the Con-
federate
States.

sal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the Government of the United States, and of the citizens or inhabitants of the states and territories thereof: *Provided, however,* That property of the enemy (unless it be contraband of war), laden on board a neutral vessel, shall not be subject to seizure under this act: And *provided, further,* That vessels of the citizens or inhabitants of the United States, now in the ports of the Confederate States, except such as have been since the fifth of April last, or may hereafter be, in the service of the Government of the United States, shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

Ibid, § 2.
Revocation
of letters of
marque and
reprisal.

656. That the President of the Confederate States shall be and he is hereby authorized and empowered to revoke and annul, at pleasure, all letters of marque and reprisal which he may at any time grant pursuant to this act.

Ibid, § 3.
Applications
for letters of
marque and
reprisal.

657. That all persons applying for letters of marque and reprisal, pursuant to this act, shall state in writing the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, and the intended number of the crew—which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Ibid, § 4.
Bond.

658. That before any commission or letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof

for the time being, shall give bond* to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of five thousand dollars, or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars, with condition that the owners, officers, and crew who shall be employed on board such commissioned vessel shall and will observe the laws of the Confederate States, and the instructions which shall be given them according to law for the regulation of their conduct,* and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel during her commission, and to deliver up the same when revoked by the President of the Confederate States.

659. That all captures and prizes of vessels and property shall be forfeited and shall accrue to the owners, officers, and crews of the vessels by whom such captures and prizes shall be made, and on due condemnation had shall be distributed according to any written agreement which shall be made between them; and if there be no such written agreement, then one moiety to the owners, and the other moiety to the officers and crew, as nearly as may be, according to the rules prescribed for the distribution of prize-money by the laws of the Confederate States.

Ibid, § 5.
Captures
and prizes;
how distrib-
uted.

660. That all vessels, goods, and effects, the property of any citizen of the Confederate States, or of persons resident within and under the protection of the Confederate States, or of persons permanently within the territories and under the protection of any foreign prince, government, or state in amity with the Confederate States, which shall have been captured by the United States, and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having jurisdiction, according to the nature of each case, agreeably to the provisions

Ibid, § 6.
Recapture of
vessels
belonging to
Confederate
States
citizens.

* See Appendix—"President's instructions to private armed vessels."

Salvage.

established by law. And such salvage shall be distributed among the owners, officers, and crews of the vessels commissioned as aforesaid and making such captures, according to any written agreement which shall be made between them; and in case of no such agreement, then in the same manner and upon the principles hereinbefore provided in cases of capture.

Ibid, § 7.
Captured
vessels to be
taken before
the courts
for condem-
nation,
before
breaking
bulk.

661. That before breaking bulk [662] of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods, or effects shall be brought into some port of the Confederate States, or of a nation or state in amity with the Confederate States, and shall be proceeded against before a competent tribunal; and after condemnation and forfeiture thereof shall belong to the owners, officers, and crew of the vessel capturing the same, and be distributed as before provided; and in the case of all captured vessels, goods, and effects which shall be brought within the jurisdiction of the Confederate States, the district courts of the Confederate States shall have exclusive original cognizance thereof, as the civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the Confederate States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution, in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, may order and decree damages and costs to the party injured, for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

District
courts to
have exclu-
sive original
cognizance
when
brought
within the
Confederate
States.

Ang. 30, 1861
§ 1, ch. 64.
Authority to
break bulk
in certain
cases.

662. That the seventh section of the first above re-cited act [661] be so amended as to permit and authorize the breaking of bulk and the removal, by the captors, of the whole or any part of the goods found on board a captured vessel, whenever such removal may be necessary for the safe carriage of such vessel into port, and also in all cases where, by grounding or otherwise, the securing of the cargo, or any part

thereof, may require the removal: *Provided*, That the person in command of the vessel making such capture shall, as soon as practicable after landing the cargo, or any part thereof, cause an exact inventory of the same to be made by the nearest magistrate, wherein shall be specified each and every article so landed, and the marks, if any thereon, and forward the same immediately to the collector of the nearest port; the property so landed shall remain in the custody of such magistrate, and he shall retain possession thereof until the same can be delivered to the marshal; and the court before which such cargo shall be brought, in case the same be condemned, may allow such compensation to the magistrate as to the court may seem just and proper: And *provided, further*, That when such removal shall be made for the purpose of lightening over bars and shoals, and the goods removed shall, as soon thereafter as practicable, be returned on board the prize vessel, the same may be carried to port as if no removal had been made; and no delivery, as provided in the preceding clause, to a magistrate shall be required.

663. That all persons found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the Confederate States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district, or some court or military officer of the Confederate States, or of any state in or near such port, who shall take charge of their safe-keeping and support, at the expense of the Confederate States.

May 6, 1861
§ 8, ch. 3.
Persons on
board of
captured or
recaptured
vessels.

664. That the eighth section [663] of the act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," shall not be so construed as to authorize the holding as prisoners of war the officers or crew of any unarmed vessel, nor any passenger on such vessels, unless such passengers be persons employed in the public service of the enemy.

May 21, 1861
§ 2, ch. 59.
Unarmed
vessels; their
officers,
crews, and
passengers.

May 6, 1861
 § 9, ch. 3.
 Instructions

665. That the President of the Confederate States is hereby authorized to establish and order suitable instructions* for the better governing and directing the conduct of the vessels so commissioned, their officers, and crews, copies of which shall be delivered by the collector of the customs to the commanders, when they shall give bond, as provided.

Ibid, § 10.
 Bounty for
 vessels
 destroyed.

666. That a bounty shall be paid by the Confederate States of twenty dollars for each person on board any armed ship or vessel belonging to the United States at the commencement of an engagement, which shall be burnt, sunk, or destroyed by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize-money; and a bounty of twenty-five dollars shall be paid to the owners, officers, and crews of the private armed vessels commissioned as aforesaid, for each and every prisoner [668] by them captured and brought into port, and delivered to an agent authorized to receive them, in any port of the Confederate States; and the Secretary of the Treasury is hereby authorized to pay, or cause to be paid, to the owners, officers, and crews of such private armed vessels commissioned as aforesaid, or their agent, the bounties herein provided.

Bounty for
 prisoners
 captured.

May 21, 1861
 § 1, ch. 50.
 Payment, in
 addition to
 bounty, of
 20 per cent.
 on the value
 of every ves-
 sel of war
 destroyed.

667. That the tenth section of the above entitled act be so amended that, in addition to the bounty therein mentioned, the Government of the Confederate States will pay to the cruiser or cruisers of any private armed vessel commissioned under said act, twenty per centum [666] on the value of each and every vessel of war belonging to the enemy that may be sunk or destroyed by such private armed vessel or vessels, the value of the armament to be included in the estimate. The valuation [669] to be made by a board of naval officers appointed, and their award to be approved by the President, and the amount found to be due to be payable in eight per cent. bonds of the Confederate States.

Valuation;
 how made.

* See Appendix—"President's instructions to private armed vessels."

668. That the tenth section of the above recited act [666] shall not be so construed as to allow a bounty for prisoners captured on vessels of the enemy and brought into port, unless such prisoners were captured on board of an armed ship or vessel of the enemy of equal or superior force to that of the private armed vessel making the capture.

May 21, 1861
§ 3, ch. 59.
Bounty not
allowed for
prisoners in
certain cases

669. That the first section of the above entitled act [667] be so amended that the board of naval officers therein provided for to make valuation of any armed vessel and its armament, sunk or destroyed under the provisions of said act, shall have, and are hereby invested with, power to take and receive such depositions, affidavits, official reports, and other evidence, written or oral, as they may deem necessary to enable them to make the valuation required by said act.

April 30,
1863, ch. 57.
Evidence to
establish
value of arm-
ed vessels
and their ar-
maments
destroyed.

670. That the first section of the above entitled act [667] be so amended that, in case any person or persons shall invent or construct any new machine or engine, or contrive any new method for destroying the armed vessels of the enemy, he or they shall receive fifty per centum of the value of each and every such vessel that may be sunk or destroyed, by means of such invention or contrivance, including the value of the armament thereof, in lieu of twenty per centum, as provided by said act.

April 21,
1862, ch. 71.
Bounty for
destroying
armed ves-
sels by new
inventions.

671. That if any person who may have invented or may hereafter invent any new kind of armed vessel, or floating battery, or defence, shall deposit a plan of the same, accompanied by suitable explanations or specifications, in the Navy department, together with an affidavit setting forth that he is the inventor thereof, such deposit and affidavit (unless the facts set forth therein shall be disproved) shall entitle such inventor or his assigns to the sole and exclusive enjoyment of the rights and privileges conferred by this act, reserving, however, to the government, in all cases, the right of using such invention.

May 21, 1861
§ 2, ch. 50.
Inventions
of new kinds
of armed
vessels, etc.

672. That the commanding officer of every vessel having a commission or letters of marque and reprisal, during the present hostilities between the Confederate

May 6, 1861
§ 11, ch. 3.
Journal to
be kept by
the com-

mander of
every priva-
teer.

States and the United States, shall keep a regular journal, containing a true and exact account of his daily proceedings and transactions with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there, and the cause thereof; the prizes he shall take, and the nature and probable value thereof; the times and places when and where taken, and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him, or any of his officers or marines, or be discovered by examination or conference with any marines or passengers of or in any other ships or vessels, or by any other means, touching the fleets, vessels, and forces of the United States, their posts and places of station, and destination, strength, numbers, intents, and designs; and such commanding officer shall, immediately on his arrival in any port of the Confederate States, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal, so kept as aforesaid, signed with his proper name and handwriting, to the collector or other chief officer of the customs at or nearest to such port—the truth of which journal shall be verified by the oath of the commanding officer for the time being. And such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known; and no such vessel shall be permitted to sail out of port again until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs, that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature which shall have been obtained by the commander of such vessel, shall be delivered up.

Delivery of
journal to
collector of
customs.

Duty of
collector on
arrival of
vessel.

673. That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating the record of any material transaction contained therein, where the interest of the Confederate States is concerned, or refusing to produce and deliver such journal, commission, or certificate, pursuant to the preceding section of this act, then and in such cases the commissions or letters of marque and reprisal of such vessels shall be liable to be revoked; and such commanders respectively shall forfeit for every such offence the sum of one thousand dollars, one moiety thereof to the use of the Confederate States, and the other to the informer.

Ibid, § 12.
Penalty for violating the foregoing provisions.

674. That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the Confederate States, and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

Ibid, § 13.
Violation of revenue laws

675. That on all goods, wares, and merchandize captured, and made good and lawful prizes of war, by any private armed ship having commission or letters of marque and reprisal under this act, and brought into the Confederate States, there shall be allowed a deduction of thirty-three and one-third per cent. on the amount of duties imposed by law.

Ibid, § 14.
Deduction of duties on captured goods brought into the Confederate States.

676. That five per centum on the net amount (after deducting all charges and expenditures) of the prize-money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by private armed vessels of the Confederate States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the Confederate States at which such captured or recaptured vessels may arrive, or to the consul or other public agent of the Confederate States residing at the port or place not within the Confederate

Ibid, § 15.
Fund for support of the widows and orphans of persons slain on board of privateers, and for support of the disabled.

States at which such captured or recaptured vessel may arrive. And the moneys arising therefrom shall be held and are hereby pledged by the Government of the Confederate States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels commissioned as aforesaid, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter be provided by law.

May 14, 1861
§ 1, ch. 18.
Prizes to be
sold at auc-
tion by the
marshal of
the district
in which
they are
condemned.

677. That all prizes of vessels and property captured by private armed ships, in pursuance of the act passed by Congress recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods [655], which may be condemned in any court of the Confederate States, shall be sold at public auction by the marshal of the district in which the same shall be condemned, within sixty days after the condemnation thereof—sufficient notice of the time and place and condition of sale being first given—on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners, of the privateer which may have captured the same: *Provided*, That the terms of such credit shall not exceed ninety days. And the said marshal is hereby directed to take and receive from the purchaser or purchasers of such prize vessel and property the money therefor, or his, her, or their promissory notes, with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.

Aug. 30,
1861. § 2,
ch. 64.
Prizes to be
sold in cer-
tain cases
by the mar-
shal of the
adjoining
district.

678. That the first section [677] of the last above recited act be so amended as to allow the judge of a prize court, wherein any condemnation may be had, to order and decree that the said vessel and the cargo, or any part thereof, may, in his discretion, and to enhance the value thereof, be sold by the marshal of the adjoining district, and at such place therein as he may designate:

Provided, always, That the duties upon all dutiable goods shall be paid from the proceeds of sale.

679. That upon all duties, costs, and charges being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer which may have captured such prize vessel and property, a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled according to the articles of agreement between the said owner or owners and the officers and crew of the said privateer; and a just and equal proportion of the proceeds of the sale as aforesaid shall, on demand, be also paid over by the said marshal to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property to the owner or owners of the privateer which may have captured the same, and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law or to any agreement by them made: *Provided,* The said officers and crew, or their agent or agents, shall have first refunded to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer to the officers and crew thereof.

680. That for the selling prize property and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent. and no more, first deducting all duties, costs, and charges which may have accrued on said property: *Provided,* That in no case of condemnation and sale of any one prize vessel and cargo shall the commissions of the marshal exceed two hundred and fifty dollars.

May 14, 1861
§ 2 ch. 18.
Distribution
of proceeds
of sales.

Ibid, § 3.
Marshal's
commissions

Ibid, § 4.
Account of
sales to be
filed.

681. That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

Ibid, § 5.
Removal of
prizes before
libel is filed.

682. That the owner or owners of any private armed vessel or vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the Confederate States, to be designated at the time of the removal as aforesaid, subject to the same restrictions, and complying with the same regulations with respect to the payment of duties which are provided by law in relation to other vessels arriving in port with cargoes subject to the payment of duties: *Provided*, That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the Confederate States.

Jan. 27, 1862
ch. 54.
Purchaser
may change
name of
vessel.

683. That it shall be lawful for the purchaser of any vessel sold under a decree of court as a prize of war, to alter the name thereof, and to bestow on the same such name as he may deem proper—which change of name shall be duly certified on the papers and titles of such vessel by the collector of the port where such sale was made.

684. That the Government of the Confederate States do hereby relinquish all claim to any portion of the proceeds of the sale of certain vessels and their cargoes captured in the Chesapeake bay and the Potomac river, on or about the twenty-ninth day of June, eighteen hundred and sixty-one, by George M. Hollins, captain in the Confederate States Navy, and certain officers of the navy and private citizens under his command—said prizes having been made without the participation of any vessel of the Confederate States or other government aid.

Feb. 15, 1862
ch. 77.
Relinquish-
ment of gov-
ernment
claim for
vessels capt-
ured by Cap-
tain Hollins
and others.

XXIX.—MARINE HOSPITALS.

685. Expenses. Transfer of authority.

685. That the expenses of the marine hospitals in the Confederate States be limited to the amounts received for their support; and that the Secretary of the Treasury be authorized to place any such hospitals as may be practicable under the charge of any corporate or state authority which will undertake to keep open the same as a hospital for the sick, and to receive therein such seamen as the funds allowed by law for their support will enable them to provide for.

May 16, 1861
Res. 4.
Expenses.
Transfer of
authority.

XXX.—NATURALIZATION.

686. Protection of aliens while in naval service, etc.

686. That the provisions of the above recited act [479] be and the same are hereby extended to all persons, not citizens of one of the Confederate States, who are engaged in the naval service of the Confederate States during the present war with the United States: *Provided, however,* That the oath therein prescribed may be administered by the captain or other commanding officer of any national ship to all persons entitled to the benefit of this act and attached thereto, and that

Dec. 24, 1861
ch. 20.
Protection of
aliens while
in naval
service.

Right to be-
come natu-
ralized, etc.

the duties therein imposed upon the Secretary of War in regard to persons in the military service, shall be performed by the Secretary of the Navy in reference to persons in the naval service.

XXXI.—PRESIDENT.

(See 491 *et seq.*)

XXXII.—PRISONERS OF WAR.

(See 500 *et seq.*)

XXXIII.—RETALIATION.

(See 508 *et seq.*)

APPENDIX.

CLAUSES
OF THE
CONSTITUTION
OF THE
CONFEDERATE STATES OF AMERICA

RELATING TO MILITARY AND NAVAL AFFAIRS.

ARTICLE I.

SECTION 8.

The Congress shall have power—

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and on water :

12. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

13. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions :

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States—reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the Confederate States, or in any department or officer thereof.

SECTION 9.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

13. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

3. No state shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury. Nor shall any state keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more states, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION 2.

1. The President shall be commander-in-chief of the Army and Navy of the Confederate States, and of the militia of the several states, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

ARTICLE III.

SECTION 3.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

4. The Confederate States shall guaranty to every state that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and, on application of the legislature (or of the executive, when the legislature is not in session), against domestic violence.

ARTICLES OF WAR.

ARTICLE 1. Every officer now in the Army of the Confederate States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain, commissioned in the Army or Armies of the Confederate States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence) shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court-martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the Confederate States, against the Vice-President thereof, against the Congress of the Confederate States, or against the chief magistrate or

legislature of any of the Confederate States in which he may be quartered, if a commissioned officer, shall be cashiered or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect toward his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

ART. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition, in any troop or company in the service of the Confederate States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or, coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

ART. 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the Confederate States shall, at the time of his so enlisting, or within six days afterward, have the Articles for the government of the Armies of the Confederate States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse can not be had to the civil magistrate, before the judge advocate, and in his presence shall take the following oath or affirmation: "I, A. B., do solemnly swear, or affirm (as the case may be), that I will bear true allegiance to the Confederate States of America, and that

I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the President of the Confederate States, and the orders of the officers appointed over me, according to the Rules and Articles for the government of the Armies of the Confederate States." Which justice, magistrate, or judge advocate is to give to the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field-officer of the regiment to which he belongs, or commanding officer, where no field-officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial; nor shall a commissioned officer be discharged the service but by order of the President of the Confederate States, or by sentence of a general court-martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the Confederate States (his field-officer being absent), may give furloughs to non-commissioned officers and soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers as shall not appear at the said muster have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers—which rea-

sons and time of absence shall be inserted in the muster-rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster-rolls, be remitted by the commissary of musters, or other officer mustering, to the Department of War, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted before a general court-martial of having signed a false certificate relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters who shall willingly sign, direct, or allow the signing of muster-rolls wherein such false muster is contained, shall, upon proof made thereof, by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the Confederate States.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the Confederate States.

ART. 17. Any officer who shall presume to muster a person as a soldier who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a false return to the Department of War, or to any of his superior officers authorized to call for such returns, of the state of the regiment, troop, or company, or garrison under his command, or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison of the Confederate States shall, in the beginning of every month, remit, through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers then absent from their posts, with the reasons for and the time of their ab-

sence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

ART. 20.* All officers and soldiers who have received pay, or have been duly enlisted in the service of the Confederate States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by sentence of a court-martial, shall be inflicted.

ART. 21. Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the Confederate States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporal punishment, at the discretion of a court-martial.

* Amended. See 330.

ART. 26. If any commissioned or non-commissioned officer commanding a guard shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer, or soldier under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank), or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the *reveille*, or upon Sundays during divine service or sermon, on the penalty of being dismissed from all future suttling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons of the Confederate States, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks of the Confederate States, shall exact exorbitant prices for houses or stalls let out to sutlers, or connive at

the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessities of life brought into the garrison, fort, or barracks for the use of the soldiers, on the penalty of being discharged from the service.

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, or disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of the Confederate States, he, the said commander who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person or property of any citizen of any of the Confederate States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or company to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the state or ter-

ritory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial for the doing justice to the complainant; from which regimental court-martial either party may, if he think himself still aggrieved, appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of said court-martial.

ART. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court-martial of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully or through neglect suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the Confederate States to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier who shall be convicted at a regimental court-martial of having sold, or designedly or through neglect wasted the ammunition delivered out to him, to be employed in the service of the Confederate States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier who shall be convicted before a court-martial of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court-martial shall judge sufficient for repairing the loss or damage; and shall suffer confinement, or such other corporal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted before a court-martial of having embezzled or misapplied any money with which he may have been intrusted, for the payment of the men under his command, or for enlisting men into the service, or for

other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporal punishment as such court-martial shall direct.

ART. 40. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness or some other evident necessity, or shall go from the said place of rendezvous without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending shall suffer such corporal punishment as shall be inflicted by the sentence of a court-martial.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

ART. 47. No soldier belonging to any regiment, troop, or company shall hire another to do his duty for him, or be excused from duty but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court-martial.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court-martial.

ART. 49. Any officer belonging to the service of the Confederate States who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the Confederate States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court-martial shall direct.

ART. 52. Any officer or soldier who shall misbehave himself before the enemy, runaway, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 53. Any person belonging to the Armies of the Confederate States who shall make known the watchword to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters and on their march; and whoever shall commit any waste or spoil, either in walks or trees, parks, warrens, fish-ponds, houses, or gardens, corn-fields, inclosures of meadows, or shall maliciously destroy any property whatsoever belonging to the inhabitants of the Confederate States, unless by order of the then commander-in-chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

ART. 55. Whosoever, belonging to the Armies of the Confederate States in foreign parts, shall force a safeguard, shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the Confederate States—for the neglect of which the commanding officer is to be answerable.

ART. 59. If any commander of any garrison, fortress, or post shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the Armies of the Confederate States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 61. Officers having brevets or commissions of a prior date to those of the corps in which they serve, will take place on courts-martial or of inquiry, and on boards detailed for

military purposes, when composed of different corps, according to the ranks given them in their brevets or former commissions; but in the regiment, corps, or company to which such officers belong, they shall do duty and take rank, both in courts and on boards as aforesaid, which shall be composed of their own corps, according to the commissions by which they are there mustered.

ART. 62. If, upon marches, guards, or in quarters, different corps shall happen to join, or do duty together, the officer highest in rank, according to the commission by which he is mustered, in the army, navy, marine corps, or militia, there on duty by orders from competent authority, shall command the whole, and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States, in orders of special assignment providing for the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the Confederate States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

ART. 65.* Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in the time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution until after the whole proceedings shall have been

* Amended. See 14.

transmitted to the Secretary of War, to be laid before the President of the Confederate States for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 66. Every officer commanding a regiment or corps may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court-martial shall have the power to try capital cases or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces for the purpose of holding courts-martial, and trying offenders belonging to either; and, in such cases, the orders of the senior officer of either corps who may be present and duly authorized, shall be received and obeyed.

ART. 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, department, or garrison, shall prosecute in the name of the Confederate States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial:

"You, A. B., do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the Confederate States of America and the prisoner to be tried, and that you will duly administer justice, according to

the provisions of 'An act establishing rules and articles for the government of the Armies of the Confederate States,' without partiality, favor, or affection; and if any doubt should arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

And so soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You, A. B., do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

ART. 70. When a prisoner, arraigned before a general court-martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

ART. 72. All the members of a court-martial are to behave with decency and calmness; and in giving their votes are to begin with the youngest in commission.

ART. 73. All persons who give evidence before a court-martial are to be examined on oath or affirmation, in the following form:

"You swear, or affirm (as the case may be), the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 74. On the trials of cases not capital, before courts-martial, the deposition of witnesses, not in the line or staff of the

army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

ART. 75. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings of trials be carried on excepting between the hours of eight in the morning and three in the afternoon; excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by the commanding officer, or by a superior officer, shall be cashiered.

ART. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court-martial, or released by proper authority.

ART. 79. No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the Confederate States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime of which the said prisoner is charged.

ART. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

ART. 82. Every officer, or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing to the commanding officer

of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

ART. 83. Any commissioned officer convicted before a general court-martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 84. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added, in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

ART. 86. The commanding officer of any post or detachment in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or department, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 87. No person shall be sentenced to suffer death but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 88. No person shall be liable to be tried and punished by a general court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 89. Every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority

(by Article 65) to carry them into execution, he may suspend, until the pleasure of the President of the Confederate States can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison where any regimental or garrison court-martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 90. Every judge advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the Secretary of War; which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said officer, to obtain copies thereof.

The party tried by any general court-martial shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

ART. 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing—all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial, in cases not capital, or extending to the dismissal of an officer, provided

that the circumstances are such that oral testimony can not be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the Confederate States, or demanded by the accused.

ART. 93. The judge advocate or recorder shall administer to the members the following oath :

“ You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.”

After which the president shall administer to the judge advocate or recorder the following oath :

“ You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God.”

The witnesses shall take the same oath as witnesses sworn before a court-martial.

ART. 94. When any commissioned officer shall die or be killed in the service of the Confederate States, the major of the regiment, or the officer doing the major's duty in his absence, or, in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier shall die or be killed in the service of the Confederate States, the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War, which said effects are to be accounted for and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of such deceased non-commissioned officers and soldiers should, before they have accounted to their represent-

atives for the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldier, in order that the same may be secured for, and paid to, their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the service of the artillery, or corps of engineers of the Confederate States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the Confederate States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the Confederate States, shall, at all times and in all places, when joined, or acting in conjunction with the regular forces of the Confederate States, be governed by these Rules and Articles of War, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces; save only that such courts-martial shall be composed entirely of militia officers.

ART. 98. All officers serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the Confederate States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be older than the commissions of the officers of the regular forces of the Confederate States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing Articles of War, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the Confederate States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and publish-

ed, once in every six months, to every garrison, regiment, troop, or company mustered, or to be mustered, in the service of the Confederate States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be, in said service.

SEC. 2. *And be it further enacted*, That in time of war, all persons not citizens of, or owing allegiance to, the Confederate States of America, who shall be found lurking as spies in and about the fortifications or encampments of the Armies of the Confederate States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court-martial.

PROVISIONS OF UNITED STATES LAWS
IN FORCE
RELATING TO THE
ORDNANCE DEPARTMENT.

April 5,
1832, § 1.
4 stat. 504

From and after the passage of this act, the Ordnance department shall consist of one colonel, one lieutenant-colonel, two majors, and ten captains, and as many enlisted men as the public service may require, not exceeding two hundred and fifty.

Ibid, § 4.

All officers and enlisted men authorized by this act shall be subject to the Rules and Articles of War, and that the officers shall receive the pay and emoluments now allowed, or which may hereafter be allowed, to artillery officers.

Feb. 8, 1815
§ 4, 3 stat.
203.

It shall be the duty of the Colonel of the Ordnance department to direct the inspection and proving of all pieces of ordnance, cannon-balls, shot, shell, small-arms, and side-arms, and equipments procured for the use of the Armies of the United States, and to direct the construction of all cannons and carriages, and every implement and apparatus for ordnance, and all ammunition wagons, travelling forges, and artificers' wagons, the inspection and proving of powder, and the preparation of all kinds of ammunition and ordnance stores. And it shall also be the duty of the Colonel or senior officer of the Ordnance department to furnish estimates, and, under the direction of the Secretary for the Department of War, to make contracts and purchases for procuring the necessary supplies of arms, equipments, ordnance, and ordnance stores.

Ibid, § 4.

The Colonel of the Ordnance department shall or-

ganize and attach to regiments, corps, or garrisons, such number of artificers, with proper tools, carriages, and apparatus, under such regulations and restrictions relative to their government and number as, in his judgment, with approbation of the Secretary for the Department of War, may be considered necessary.

The Colonel of the Ordnance department, or senior officer of that department, of any district, shall execute all orders of the Secretary for the Department of War, and in time of war, the orders of any general or field-officer commanding any army, garrison, or detachment, for the supply of all arms, ordnance, ammunition, carriages, forges, and apparatus for garrison, field, or siege service. Ibid, § 5.

The keepers of all magazines and arsenals shall, quarterly, or oftener if so directed, and in such manner as directed by the Colonel of the Ordnance department, make correct returns to the Colonel or senior officer of the Ordnance department of all ordnance, arms, and ordnance stores they may have in charge. Ibid, § 6.

The costs of repairs of damages done to arms, equipments, or implements in the use of the Armies of the United States shall be deducted from the pay of any officer or soldier in whose care or use the said arms, equipments, or implements were when the said damages occurred: *Provided*, The said damages were occasioned by the abuse or negligence of the said officer or soldier. And it is hereby made the duty of every officer commanding regiments, corps, garrisons, or detachments, to make, once every two months, or oftener if so directed, a written report to the Colonel of the Ordnance department, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned. Ibid, § 7.

The Colonel of the Ordnance department shall make, half-yearly, to the War department, or oftener if the secretary for that department shall so direct, a correct report of the officers, and all artificers and laborers in his department; also, of all ordnance, arms, Ibid, § 8.

military stores, implements, and apparatus of every description, and in such form as the Secretary for the Department of War shall direct.

Ibid, § 9.

To insure system and uniformity in the different public armories, they are hereby placed under the direction of the Ordnance department. And the Colonel of the Ordnance department, under the direction of the Secretary for the Department of War, is hereby authorized to establish depots of arms, ammunition, and ordnance stores, in such parts of the United States, and in such numbers, as may be deemed necessary.

Ibid, § 10.

The Colonel of the Ordnance department, under the direction of the Secretary for the Department of War, is hereby authorized to draw up a system of regulations for the government of the Ordnance department, forms of returns and reports, and for the uniformity of manufactures of all arms, ordnance, ordnance stores, implements, and apparatus, and for the repairing and better preservation of the same.

Ibid, § 11.

The pay, emoluments, and allowances for the officers of the Ordnance department shall be the same as the pay, emoluments, and allowances now allowed to officers of similar grades respectively, in the artillery of the United States. * * * * *

April 24,
1816, § 11.
3 stat. 299.

The Ordnance department be continued as at present organized under the act of February 8, 1815; and that ordnance officers be assigned to their duties with the staff of the army, in the same manner as from the corps of engineers.

SALARIES.

An act to increase the pay of certain officers and employees in the Executive and Legislative departments.

Oct. 13, 1862
ch. 47.

The Congress of the Confederate States of America do enact. That on the salaries or compensation of all officers and employees of the several Executive and Legislative departments, appointed under any law of Congress and employed in the City of Richmond, whose salaries or compensation shall not now exceed one thousand dollars, there shall be added, for the period of one year, fifty per cent., and for the period of one year the salaries or compensation of all such officers and employees now receiving not less than one thousand dollars and under fifteen hundred dollars, shall be fixed at fifteen hundred dollars, and all now receiving fifteen hundred dollars shall receive seven-teen hundred and fifty dollars.

An act to declare the meaning and extend the provisions of an act entitled "An act to increase the pay of certain officers and employees in the Executive and Legislative departments," approved October thirteenth, eighteen hundred and sixty-two.

April 29,
1863.
ch. 49.

The Congress of the Confederate States of America do enact, That the act entitled "An act to increase the pay of certain officers and employees in the Executive and Legislative departments," approved October thirteenth, eighteen hundred and sixty-two, be and the same is hereby extended and declared to be in force for the period of three months after the thirteenth day of October, eighteen hundred and sixty-three.

SEC. 2. Be it further enacted, That it was the intention of Congress that the said act should be construed so that the benefits of the same shall extend and inure to the temporary as well as permanent officers and

employees in the civil employment of the government in the City of Richmond.

SEC. 3. Be it further enacted, That it was not the intention of Congress, by the passage of the above recited act, to repeal an act entitled "An act to provide a compensation for the disbursing officers of the several Executive departments," approved May sixteenth, A. D. eighteen hundred and sixty-one; and it is hereby declared that the disbursing clerks in the Departments of State, Treasury, War, Navy, and Justice, and in the Post-office department, and the disbursing officer of the contingent fund of the Executive office, shall each hereafter be allowed, in addition to his salary or compensation as clerk, the sum of two hundred dollars per annum for disbursing the funds of the department which may be required to pass through his hands.

Jan. 13, 1864
ch. 9.

An act to continue in force the provisions of an act therein named.

The Congress of the Confederate States of America do enact, That the provisions of an act entitled "An act to increase the pay of certain officers and employees of the Executive and Legislative departments," approved October thirteenth, eighteen hundred and sixty-two, be and the same are hereby continued in force until otherwise ordered by Congress.

Jan. 30, 1864
ch. 16.

An act to increase the compensation of certain civil officers and employees in the President's office, and in the Executive and Legislative departments, at Richmond, for a limited period.

The Congress of the Confederate States of America do enact, That the salaries and compensation of all civil officers and employees in the President's office, and in the Executive and Legislative departments, at Richmond, whose compensation or salaries do not exceed the sum of two thousand dollars per annum, shall be increased from the passage of this act to the fifteenth of May, eighteen hundred and sixty-four, at the rate of one hundred per cent. per annum: *Provided,*

The same shall not thereby be increased beyond the rate of three thousand dollars per annum; and the salaries of all said officers whose compensation is above two thousand dollars, and does not exceed the sum of three thousand dollars per annum, shall, for the same period of time, be increased at the rate of fifty per cent. per annum; but it is hereby expressly declared that the increased compensation provided for in this act shall not be paid to any officer or employee in any executive department of the government who is liable to perform military duty, or is able to bear arms in the field, unless such officer or employee shall first obtain a certificate from the head of the department in which he is engaged that his services are absolutely necessary to the government, and that his place can not be supplied by any one known to the head of the department who is not subject to military duty—which said certificate shall be filed with the Secretary of the Treasury before the money is paid; and it shall be the duty of the said secretary, at the beginning of each session, to communicate a list of all such certificates to Congress: *Provided*, That no clerk who, by virtue of a military commission, receives rations or commutation of rations, shall be entitled to the benefit of this act.

An act to continue in force and amend the provisions of an act approved January thirtieth, eighteen hundred and sixty-four, increasing the compensation of certain officers and employees in the Civil and Legislative departments, at Richmond.

May 13, 1864
ch. 1.

The Congress of the Confederate States of America do enact, That the provisions of an act entitled "An act to increase the compensation of certain civil officers and employees in the President's office, and in the Executive and Legislative departments, at Richmond, for a limited period," approved January thirtieth, eighteen hundred and sixty-four, be and the same are hereby continued in force until the first day of January, eighteen hundred and sixty-five, and that the

benefits of the said act be, for the time aforesaid, continued to such clerks of the Treasury department as have recently been removed from Richmond to Charleston, South Carolina, and such other clerks as may be there employed.

June 14,
1864
ch. 45.

An act to increase the compensation of the heads of the several Executive departments, and the Assistant Secretary of War and the Treasury, and of the Assistant Attorney-General, and the Comptroller of the Treasury, and other officers therein named.

The Congress of the Confederate States of America do enact, That the compensation of the heads of the several Executive departments of the government shall, for one year from the passage of this act, be increased to nine thousand dollars; and of the Assistant Secretary of War and of the Treasury, and of the Assistant Attorney-General, and the Comptroller of the Treasury, be increased to six thousand dollars; and that the salaries of all clerks and employees in the various departments located in the City of Richmond be increased thirty-three and one-third per cent.; and at all other points throughout the Confederate States twenty-five per cent., for one year from the passage of this act: *Provided*, That the clerks detailed from the army or navy shall not be entitled to the benefits of this act.

PRESIDENT'S INSTRUCTIONS

TO

PRIVATE ARMED VESSELS.

1. The tenor of your commission under the act of Congress entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," a copy of which is hereto annexed, will be kept constantly in your view. The high seas referred to in your commissions you will understand, generally, to refer to low-water mark; but with the exception of the space within one league, or three miles from the shore of countries at peace both with the United States and the Confederate States. You may, nevertheless, execute your commission within that distance of the shore of a nation at war with the United States, and even on the waters within the jurisdiction of such nation, if permitted to do so.

2. You are to pay the strictest regard to the rights of neutral powers, and the usages of civilized nations: and in all your proceedings toward neutral vessels you are to give them as little molestation or interruption as will consist with the right of ascertaining their neutral character, and of detaining and bringing them in for regular adjudication, in the proper cases.

You are particularly to avoid even the appearance of using force or seduction, with a view to deprive such vessels of their crews or of their passengers, other than persons in the military service of the enemy.

3. Toward enemy's vessels and their crews you are to proceed in exercising the rights of war, with all the justice and humanity which characterize this government and its citizens.

4. The master, and one or more of the principal persons belonging to the captured vessels, are to be sent, as soon after the capture as may be, to the judge or judges of the proper court in the Confederate States, to be examined upon oath touching

the interest or property of the captured vessel and her lading; and at the same time are to be delivered to the judge or judges all papers, charter-parties, bills of lading, letters, and other documents and writings found on board; the said papers to be proved by the affidavit of the commander of the capturing vessel, or some other person present at the capture, to be produced as they were received, without fraud, addition, subduction, or embezzlement.

5. Property, even of the enemy, is exempt from seizure on neutral vessels, unless it be contraband of war.

If goods contraband of war are found on any neutral vessel, and the commander thereof shall offer to deliver them up, the offer shall be accepted, and the vessel left at liberty to pursue its voyage, unless the quantity of contraband goods be greater than can be conveniently received on board your vessel, in which case the neutral vessel may be carried into port for the delivery of the contraband goods.

The following articles are deemed by this government contraband of war, as well as all others that are so declared by the law of nations, viz :

All arms and implements serving for the purposes of war by land or sea, such as cannons, mortars, guns, muskets, rifles, pistols, petards, bombs, grenades, ball, shot, shell, fuses, pikes, swords, bayonets, javelins, lances, horse-furniture, holsters, belts, and generally all other implements of war.

Also, timber for ship-building, pitch, tar, rosin, copper in sheets, sails, hemp, cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and planks only excepted.

Neutral vessels conveying enemies' despatches or military persons in the service of the enemy, forfeit their neutral character, and are liable to capture and condemnation. But this rule does not apply to neutral vessels bearing despatches from the public ministers or ambassadors of the enemy residing in neutral countries.

By the command of the President of the Confederate States.

ROBERT TOOMBS,

Secretary of State.

FORM OF BOND.

Know all men by these presents, That we (*Note 1*)
are bound to the Confederate States of America in the full
sum of (*Note 2*) thousand dollars, to the payment where-
of, well and truly to be made, we bind ourselves, our heirs, ex-
ecutors, and administrators, jointly and severally, by these
presents.

The condition of this obligation is such, that, whereas ap-
plication has been made to the said Confederate States of
America for the grant of a commission or letter of marque
and general reprisals, authorizing the (*Note 3*) or vessel
called the , to act as a private armed vessel in the
service of the Confederate States, on the high seas, against the
United States of America, its ships and vessels, and those of its
citizens, during the pendency of the war now existing between
the said Confederate States and the said United States.

Now, if the owners, officers, and crew, who shall be employed
on board of said vessel when commissioned, shall observe the
laws of the Confederate States, and the instructions which shall
be given them according to law for the regulation of their
conduct, and shall satisfy all damages and injuries which shall
be done or committed contrary to the tenor thereof by such
vessel during her commission, and shall deliver up said commis-
sion when revoked by the President of the Confederate States,
then this obligation shall be void, but otherwise shall remain
in full force and effect.

Signed, sealed, and delivered in presence of on this
 day of

A. B. }
C. D. } *Witnesses.*

SEAL.

SEAL.

SEAL.

SEAL.

NOTE 1.—This blank must be filled with the name of the commander for the
time being, and the owner or owners, and at least two responsible sureties not
interested in the vessel.

NOTE 2.—This blank must be filled with a "five," if the vessel be provided only
with one hundred and fifty men, or a less number; if with more than that number,
the blank must be filled with a "ten."

NOTE 3.—This blank must be filled with the character of the vessel—"ship,"
"brig," "schooner," "steamer," etc.

PERPETUATION OF TESTIMONY.

AN ACT

Aug. 30, 1861
ch. 62.

To perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them.

SECTION 1. The Congress of the Confederate States of America do enact, That when any slave or slaves owned by a citizen of the Confederate States, or an inhabitant thereof, shall be, or may have been, abducted or harbored by the enemy, or by any person or persons acting under the authority, or color of authority of the United States government, or engaged in the military or naval service thereof, during the existing war, it shall be lawful for the owner or his attorney to appear before any judge of the Confederate States, or a commissioner of any court thereof, or any notary public, or in case of there being no such officer within the county, city, or corporation where the proceedings are instituted, before any justice of the peace or alderman consenting to act in the premises, and adduce proof, oral or written, of the fact of such ownership and abduction or harboring. If the owner of such slave or slaves is laboring under the legal disability of infancy, insanity, or coverture, the evidence tending to establish such ownership, and abduction or harboring, may be adduced by the proper legal representative of the owner. In all cases such owner, attorney, or representative shall make affidavit of the loss. Such affidavit shall not be taken as evidence of the fact of loss, unless it shall appear to the satisfaction of the officer taking the same that no other and better evidence can be obtained—which fact shall distinctly appear in the certificate of such officer; and it shall be the duty of

the judicial officer taking cognizance of the case to reduce to writing the oral evidence, and to retain the written evidence in support of the alleged ownership and loss, and, within thirty days after the hearing, to transmit the same to the Secretary of State of the Confederate States, to be filed and preserved among the archives of the State department, accompanied by a certificate from the said judicial officer, authenticating the report so made by him. And the said judicial officer shall also state in his certificate of authentication whether, in his opinion, the evidence so heard and transmitted is, or is not, entitled to credit. It shall be the duty of the Secretary of State to receive and file in his department the report so transmitted, and to furnish to the owners, attorney, or representative a duly certified copy thereof, whenever the same shall be demanded.

SEC. 2. And be it further enacted, That whenever any property, other than slaves, real or personal, belonging to any citizen of the Confederate States, or any inhabitant thereof, shall be seized, wasted, or destroyed by the enemy, during the existing war, or by any person or persons acting under the authority, or color of authority of the United States government, or engaged in the military or naval service thereof, the mode of taking and preserving proof thereof shall conform in all respects to that prescribed in the above section, and have like effect.

SEC. 3. And be it further enacted, That the provisions of this act shall not be construed as implying that the Confederate States are in any way liable to make compensation for any of the property to which it refers.

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SUPPLEMENT

CONTAINING THE

MILITARY AND NAVAL LAWS

OF THE

FIRST SESSION, SECOND CONGRESS,

ENDING JUNE 14, 1864.

MILITARY LAWS.

- I. General officers.
- II. General staff.
- III. Quartermaster, Commissary, and Medical departments.
- IV. Pay.
- V. Rations.
- VI. Transportation.
- VII. Details.
- VIII. Conscription.
- IX. Exemptions.
- X. Artillery.
- XI. Cavalry.
- XII. Ensign.
- XIII. Chaplains.
- XIV. Military storekeepers.
- XV. Supernumerary officers.
- XVI. Nitre and Mining bureau.
- XVII. Military courts.
- XVIII. State agents.
- XIX. Claims.
- XX. Habeas corpus.
- XXI. Hospitals.
- XXII. Taxes.
- XXIII. Scouts for Mississippi valley.
- XXIV. Virginia.
- XXV. War department.
- XXVI. War.

I.—GENERAL OFFICERS.

- 687. Appointment of temporary general officers.
- 688. How long to hold their rank and command.

687. That the President be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint temporary officers of the rank of brigadier-general, major-general, lieutenant-general, or general, for the Provisional army, and assign them to any appropriate command.

May 31, 1864
§ 1, ch. 8.
Appointment of temporary general officers.

688. That the said officers, so appointed, shall only hold their said rank and their said command for such time as the temporary exigency may require, at the expiration of which time they shall resume their previous permanent rank and command.

Ibid, § 2.
How long to hold their rank and command.

II.—GENERAL STAFF.

689. To be constituted a corps.
 690. Assignment to duties.
 691. Staff officers allowed a general commanding in the field.
 692. Allowed a lieutenant-general commanding a corps.
 693. Allowed a major-general commanding a division.
 694. Allowed a brigadier-general commanding.
 695. Number of staff officers may be increased or reduced.
 696. Appointments; how to be made.

June 14,
 1864. § 1,
 ch. 58.
 General
 staff to be
 constituted
 a corps.

Promotions.

689. That hereafter the general staff of the army shall constitute a corps, and staff officers shall no longer, except by assignment, be attached to any particular military organization, or be held to duty at any post. That promotions in said corps shall be by selection, based upon capacity, merit, and services, and no one shall be appointed in said corps unless he has been two years, at least, in the military service during this war, or is over forty-five years of age, or is unfit for military service in the field.

Ibid. § 2.
 Assignment
 to duties.

690. That the President is hereby authorized to assign all officers of the staff to such appropriate duties as he may think proper, except that he shall not assign them to commands in the line, unless in cases of emergency, and then only for a short time; and no officer shall be allowed to hold, at the same time, a commission or appointment in the staff and in the line.

Ibid. § 3.
 Staff officers
 allowed a
 general com-
 manding an
 army in the
 field.

691. That the President is hereby authorized, upon the application of any general commanding an army in the field, to appoint, by and with the advice and consent of the Senate, or assign for duty with such general, whilst so commanding, a general officer, who shall be charged, under the direction of the general, with the administration of his army; there shall also be allowed to a general, so commanding, two assistant adjutants-general, one chief quartermaster, one chief of ordnance, and one chief commissary, each with the rank, pay, and allowances of a colonel of cavalry; a surgeon, as medical director, with the pay and allowances of a colonel of cavalry; one aide-de-camp, with the rank, pay, and allowances of a colonel of cavalry;

and one aide-de-camp, with the rank, pay, and allowances of a lieutenant-colonel of cavalry [71].

692. That to a lieutenant-general commanding a *corps d'armee* shall be allowed, to be appointed by the President, with the advice and consent of the Senate, two assistant adjutants-general, with the rank, pay, and allowances each of a colonel of cavalry; a chief of ordnance, a chief quartermaster, and a chief commissary, each with the rank, pay, and allowances of a lieutenant-colonel of cavalry; he shall also be allowed one surgeon, as medical director, to be appointed by the President, with the advice and consent of the Senate, with the pay and allowances of a lieutenant-colonel of cavalry; and, to be appointed as above, one aide-camp, with the rank, pay, and allowances of a lieutenant-colonel of cavalry, and one aide-de-camp, with the rank, pay, and allowances of a major of cavalry [71].

Ibid, § 4.
Staff officers
allowed a
lieutenant-
general com-
manding a
corps
d'armee.

693. That to a major-general commanding a division shall be allowed, to be appointed by the President, with the advice and consent of the Senate, two assistant adjutants-general, with the rank, pay, and allowances each of a lieutenant-colonel of cavalry; one chief of ordnance, one chief quartermaster, and a chief commissary, each with the rank, pay, and allowances of a major of cavalry; also a surgeon, with the pay and allowances of a major of cavalry; one aide-de-camp, with the rank, pay, and allowances of a major of cavalry: and one aide-de-camp, with the rank, pay, and allowances of a captain of cavalry [71].

Ibid, § 5.
Staff officers
allowed a
major-gen-
eral com-
manding a
division.

694. That to a brigadier-general commanding a brigade shall be allowed, to be appointed as hereinbefore directed, two assistant adjutants-general and one assistant inspector-general, with the rank, pay, and allowances each of a major of cavalry; one surgeon, with the pay and allowances of a major of cavalry; one ordnance officer, with the rank, pay, and allowances of a captain of cavalry; one aide-de-camp, with the rank, pay, and allowances of a captain of cavalry; and one aide-de-camp, with the rank, pay, and allowances of a first lieutenant of cavalry [71].

Ibid, § 6.
Staff officers
allowed a
brigadier-
general
commanding
a brigade.

Ibid, § 7.
Number of
staff officers
may be in-
creased or
reduced.

695. That the President is hereby authorized to reduce the number of officers allowed by this act to the staff of any general officer, or to increase the same when, in his opinion, the service will be benefited thereby.

Ibid, § 8.
Appoint-
ments; how
to be made.

696. That all appointments under this act shall be made from those already in service.

III.—QUARTERMASTER, COMMISSARY, AND MEDICAL DEPARTMENTS.

697. Additional quartermasters and commissaries for the Provisional army. For railroad and field transportation, and for army supplies. Purchasing agents or transportation agents. Appointments; how to be made.

698. Regimental or battalion quartermasters. Assignment of quartermasters and commissaries.

699. When quartermasters and commissaries may be dropped from the rolls.

700. Appointment of quartermasters to execute the duties in reference to the tax in kind.

701. Commissaries for regiments of cavalry.

702. Contracts for the manufacture of alcoholic liquors.

703. Establishment of manufactories or distilleries.

704. Quantity to be manufactured. None to be disposed of except in fulfilment of contract.

June 14.
1864, § 1,
ch. 52.
Appoint-
ment of addi-
tional quar-
termasters
and commis-
saries for the
Provisional
army.

697. That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint, for the Provisional army, additional quartermasters and commissaries, with the rank of colonel, lieutenant colonel, and major: *Provided*, That such additional quartermasters and commissaries, with the rank of colonel, shall not exceed the number of military departments and separate armies existing at the time of their appointment; and that the additional quartermasters and commissaries, with the rank of lieutenant-colonel, shall not exceed the number of army corps existing at the time of their appointment; and that the additional quartermasters and commissaries, with the rank of major, shall not exceed the number of divisions of the army existing at the time of the appointment; and for the collection, control, and distribution of railroad and field transportation and army supplies, the President may appoint such additional quartermasters and assistant quartermasters and commissaries.

For railroad
and field
transporta-
tion, and for
army sup-
plies.

ries as may be necessary for the efficient execution of the duties of the Quartermaster's and Commissary's departments; and such purchasing agents or transportation agents may be employed as the service may require, who shall not have military rank, and whose compensation shall not exceed the pay of a captain of infantry [70], and who may be required to give bond for the faithful performance of those duties; but nothing herein contained shall be construed to prohibit the assignment of quartermasters and commissaries, or assistant quartermasters or commissaries, to any of the foregoing duties, or to the duty of paying troops: *Provided*, That all said appointments shall be made from persons who are over forty-five years of age, or who are incapacitated, physically, for service in the field, or who have been in the service over twelve months, or have been heretofore discharging any of the aforesaid duties: *Provided, further*, That additional assistant quartermasters and commissaries shall not be appointed, if there are officers already in service who can be assigned to such duties without detriment to the service.

Purchasing agents or transportation agents.

Appointments: how to be made.

698. That it shall be no longer incumbent on the President to appoint or to keep in service an assistant quartermaster, with the rank of captain, for each regiment or battalion in the field, but he may assign the quartermaster of any army corps, division, brigade, regiment, or battalion, or the commissary of any army, army corps, division or brigade, to duty as quartermaster or commissary elsewhere, and to assign quartermasters, assistant quartermasters, and commissaries and assistant commissaries appointed to posts or depots, or for other duties, to serve with armies, army corps, divisions, or brigades in the field, whenever, in his opinion, the public interest will be promoted thereby.

Ibid, § 2. Regimental or battalion quartermasters.

Assignment of quartermasters and commissaries.

699. That in case the services of any regimental quartermaster, or any other quartermaster or assistant quartermaster, or commissary or assistant commissary, appointed under this act, can, in the opinion of the President, be dispensed with, and such officer

Ibid, § 3. When quartermasters or commissaries may be dropped from the rolls.

can not be otherwise appropriately employed to the public interest, his name shall be dropped from the rolls, and he shall cease to be an officer of the Provisional army.

Ibid, § 4.
Appointment of
quartermasters to execute the duties in reference to tax in kind.

700. That the President be and he is hereby authorized to appoint one quartermaster, with the rank of major, for each state, and one assistant quartermaster, with the rank of captain, for each congressional district in the several states, to execute the duties of the act in reference to the tax in kind: *Provided*, That the appointments to be made in pursuance of this section shall be made with the same restrictions and limitations as are set forth in the first proviso to the first section of this act.

May 23, 1864
ch. 5.
Commissaries for regiments of cavalry.

701. That from and after the passage of this act there shall be allowed to each regiment of cavalry in the Army of the Confederate States one commissary, with the same rank, pay, and allowances as are now allowed by law to the quartermaster of such regiment [202] [72].

June 14, 1864
§ 2, ch. 41.
Contracts for the manufacture of alcoholic liquors.

702. That it shall be lawful for the Surgeon-General or the Commissary-General to make all necessary contracts for the manufacture and distillation of whiskey, brandy, and other alcoholic and spirituous liquors for the supply of the army and hospitals, upon such terms as may be conducive to the public interest; and that the said contracts, and any heretofore made, shall operate as a license to the contractor to manufacture the same for the purpose aforesaid.

Ibid, § 2.
Establishment of manufactories or distilleries.

703. That the Surgeon-General and the Commissary-General shall be authorized to establish manufactories or distilleries for the purpose of obtaining the supplies aforesaid, and to employ laborers in the same, instead of resorting to contracts, if they shall deem it more prudent to do so.

Ibid, § 3.
Quantity to be manufactured.

704. That no contractor or party shall, under the license granted by this act, distil or make more alcohol, whiskey, brandy, or other alcoholic or spirituous liquors than he shall deliver to the government or its agents, in fulfilment of his contract or contracts; nor shall it be lawful for any such contractor to sell, or in

None to be disposed of except in ful-

any way dispose of, otherwise than as said contract or contracts may require, any aleohol, whiskey, brandy, or other alcoholic or spirituous liquors manufactured by him under the license aforesaid; nor shall this act operate as a license to any contractor for any violation of the prohibitions herein contained, when such violation shall be a crime or misdemeanor under the laws of the state in which the same may occur.

filment of
contract.

IV.—PAY.

705. Increase of pay of soldiers.

706. Pay of general officers. Duration of the act.

705. That from and after the passage of this act the pay of the non-commissioned officers, privates, and musicians of the Army of the Confederate States be, and the same is hereby, increased seven dollars per month for the period of one year from the passage of this act [75, 745].

June 9, 1864.
ch. 29.
Increase of
pay to non-
commission-
ed officers,
privates and
musicians.

706. That the pay of a general shall be five hundred dollars per month; that of a lieutenant-general four hundred and fifty dollars per month, and that of a major-general three hundred and fifty [dollars] per month; that a general commanding an army in the field shall receive, in addition to the said sum of five hundred dollars per month, one hundred dollars; and a lieutenant-general, a major-general, and a brigadier-general shall, whilst serving in the field, each receive fifty dollars per month, in addition to the sum herein allowed, whilst so serving; and all laws allowing additional compensation for commanding a separate army in the field be, and they are hereby, repealed, except as herein provided; and that this act shall be in force for one year, and no longer.

June 10, 1864
ch. 37.
Of general
officers.

Act to con-
tinue for one
year.

V.—RATIONS.*

707. To commissioned officers of the army and navy.

708. Same as issued to privates.

709. Commutation not allowed. Rations must be for own use.

710. Duration of the act.

June 7, 1864.
§ 1, ch. 23.
To commis-
sioned offi-
cers of the
army and
navy.

707. That all commissioned officers in the army and navy shall be entitled to ration; and all commissioned officers in the field and afloat, in addition thereto, shall be allowed to purchase from any commissary, or other officer required to issue subsistence to soldiers, marines, or seamen, at the prime cost thereof, including transportation, as follows: One ration each for officers of and below the rank of colonel; two rations each for officers of the rank of brigadier-general, major-general, and lieutenant-general; and three rations each for a general; one ration each for commissioned officers of the navy of and below the rank of commander, and two rations each for officers above that rank.

Ibid, § 2.
Same as
issued to pri-
vates.

708. That an officer shall not draw or purchase, at any time, more of the component part of a ration than is issued to the private soldier at the same time.

Ibid, § 3.
Commuta-
tion not al-
lowed. Ra-
tions must
be for own
use.

709. That nothing contained in this act, or the act to which this is an amendment [238 *et seq.*], shall be construed as allowing commutation for rations, or as authorizing an officer to receive or purchase rations, except when he requires them for his own use.

Ibid, § 4.
Duration of
the act.

710. That this act shall continue in force only during the war.

VI.—TRANSPORTATION.

711. Allowed officers of army and navy while travelling under orders.

712. To members of Congress.

713. To sick and wounded officers. Hospital accommodations.

June 4, 1864.
ch. 16.
Allowed offi-
cers of army
and navy

711. That officers of the army and navy, while travelling under orders of the War or Navy departments, shall be allowed transportation in kind for

* For hospital rations, free of charge, to sick and wounded officers, see 713.

For commutation value of rations of sick and wounded, see 743.

themselves and their personal baggage, and ten dollars per day for expenses while necessarily travelling in the execution of their orders.

while travelling under orders.

712. That whenever the usually travelled routes between the homes of members of Congress and the capital are interfered with by the enemy, it shall be the duty of military commanders to facilitate the passage of members and delegates going to or returning from Congress, by furnishing transportation in kind for any distances over which they may state in writing they can not provide themselves with transportation; and such written application, endorsed "furnished," by the party receiving the transportation, shall be accepted as a sufficient voucher for the expenditure of the officer in furnishing the same.

June 8, 1864.
ch. 26.
To members of Congress.

713. That sick and wounded officers on leave, upon certificates of a board of surgeons, be allowed transportation to their homes and back to their commands, as in the case of enlisted men on furlough [243]; the indulgence hereby accorded to continue in force for ninety days after the next meeting of Congress.

June 10, 1864
Res. 12.
Sick and wounded officers allowed transportation; also, hospital accommodations.

Resolved, further, That all sick and wounded officers in the naval and military service shall be entitled to enter any hospital and receive such treatment and rations as now provided by law, free of charge.

VII.—DETAILS.

714. Pay and allowances of detailed soldiers, seamen, and others.

715. Additional compensation.

716. Compensation of those detailed to government contractors.

714. That all persons detailed from the army, or after enrolment for military service, or from the navy or marine corps, for special duty or extra duty, shall be allowed to receive their regular pay, rations, and allowances, as if they were performing service in the field.

June 9, 1864.
§ 1, ch. 27.
Pay and allowances of detailed soldiers, seamen, and others.

715. That all such detached or detailed men shall be allowed, in addition, not exceeding two dollars per day, and compensation for all extra work, or for any

Ibid, § 2.
Additional compensation.

uncommon skill or industry displayed in the performance of duties to which they may be assigned, in proportion to the value of such extra labor or uncommon skill or industry, whether it be in performing an unusual amount of work within the usual hours of labor, or work performed beyond the usual hours, or extraordinary skill and superior workmanship displayed in the execution of such duties—the value of said extra labor or uncommon skill or industry to be determined by the officer or superintendent under whose immediate direction said detached or detailed service may be performed, subject to the approval of the Secretary of War or Navy. The additional compensation provided in this section shall be the same for both the War and Navy departments, under certain rules to be prescribed by the President.

Ibid. § 3.
Compensation of those detailed to government contractors.

716. That all non-commissioned officers, musicians, privates, sailors, or marines detailed to government contractors, shall be so detailed without pay and allowances, but shall be compensated for their services by wages received from said contractors, under rules to be prescribed by the Secretary of War or of the Navy.

VIII.—CONSCRIPTION.

717. Persons between 17 and 18, and 45 and 50, prevented from enrolling themselves by the presence of the enemy.

June 10, 1864
ch. 33.
White males between 17 and 18, and 45 and 50, prevented from enrolling by the presence of the enemy.

717. That the act entitled "An act to organize forces to serve during the war," approved seventeenth February, eighteen hundred and sixty-four [166 *et seq.*] be, and the same is hereby, so amended as to allow all white male residents, between the ages of seventeen and eighteen and forty-five and fifty years, who were prevented from enrolling themselves within the time prescribed by the said act, by the occupation of their localities or country by the public enemy, and whose homes are, and have been since the passage of said act, beyond the lines of the Confederate armies, to organize themselves in pursuance of the sixth sec-

tion of said act [170], after their homes or localities are brought within the lines of the Confederate armies; and this privilege shall continue for the space of thirty days after the reoccupation is announced by an order issued by the general commanding the department, and published in the military department in which such reoccupation may occur.

IX.—EXEMPTIONS.

718. From military service of members of certain Christian denominations.

719. When exemptions may be revoked.

718. That the Secretary of War shall be authorized to grant exemptions to the members of the various denominations of Christians mentioned in the Exemption act of the eleventh of October, eighteen hundred and sixty-two [181], who at that time belonged to the same, and who were in regular association therewith, upon the terms and conditions specified in that act, or upon such other terms and conditions as he is authorized to allow exemptions or grant details under any of the clauses of the act approved February seventeenth, eighteen hundred and sixty-four, to which this is an amendment [189].

June 7, 1864.
§ 1, ch. 24.
From military service of members of certain Christian denominations.

719. That the Secretary of War be and he is hereby authorized to revoke any such exemptions under the act aforesaid, when the same have been obtained by any fraud, misrepresentation, or error.

Ibid, § 2.
When exemptions may be revoked.

X.—ARTILLERY.

720. Additional officers for ordnance duties.

720. That the President, by and with the advice and consent of the Senate, may appoint fifty officers of artillery in the Provisional army for the performance of ordnance duties, in addition to those authorized by the act entitled "An act to authorize the

June 10, 1864
ch. 38.
Additional officers of artillery for ordnance duties.

appointment of officers of artillery in the Provisional army," approved April twenty-first, eighteen hundred and sixty-two [284], and "An act to authorize the appointment of additional officers of artillery for ordnance duties," approved September sixteenth, eighteen hundred and sixty-two [285], and that the rank of said officers shall be as provided in said last named act.

XI.—CAVALRY.*

721. When non-commissioned officers or soldiers may be dismounted and placed in the infantry.

722. Horses; how to be disposed of.

June 7, 1864.
§ 1, ch. 22.
When non-commissioned officers or soldiers may be dismounted and placed in the infantry.

721. That the commanding general of any army in the field shall have the power to direct the dismounting of any non-commissioned officer or officers, soldier or soldiers, in the cavalry service in his command, and to place him or them in the infantry, who shall misbehave before the enemy, or shall be guilty of illegally wasting, spoliating, or appropriating to his own use any private property, or of doing any violence to any citizen.

Ibid, § 2.
Horses; how to be disposed of.

722. That the horses belonging to persons so dismounted, and which they may have had in the service, may be taken for the use of the army, and the appraised value thereof shall be paid to the owner.

XII.—ENSIGN.

723. For each battalion of infantry.

724. To apply only to Provisional army.

May 31, 1864.
§ 1, ch. 10.
For each battalion of infantry.

723. That the above recited act be, and the same is hereby, amended so as to allow the appointment of an ensign to each battalion of infantry [66].

Ibid, § 2.
To apply only to Provisional army.

724. That the said act, and this amendment thereto, shall be understood and construed to apply only to the Provisional army of the Confederate States.

* For commissary to each regiment of cavalry, see 701.

XIII.—CHAPLAINS.

725. To battalions and hospitals.

725 That the President be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint, when in his judgment it may be proper to do so, chaplains to battalions and to general hospitals, who shall receive the same pay and allowances now authorized by law to chaplains appointed to regiments and posts [252].

May 31, 1864
ch. 11.
To battalions
and hospitals.

XIV.—MILITARY STOREKEEPERS.

726. Ten additional military storekeepers of ordnance.

727. Bonds. Who may be appointed.

726. That the President be authorized to appoint ten military storekeepers of ordnance in the Provisional Army of the Confederate States, in addition to those authorized by act of May first, eighteen hundred and sixty-three, entitled "An act to provide for the appointment of military storekeepers in the Provisional Army of the Confederate States?" [286], five with the pay and allowances of a captain of infantry, and five with the pay and allowances of a first lieutenant of infantry.

June 4, 1864.
§ 1, ch. 17.
Ten additional military storekeepers of ordnance may be appointed.

727. That military storekeepers of the first class, so appointed, shall be required to give the usual bonds in the sum of twenty thousand dollars, and those of the second class in the sum of ten thousand dollars. This act shall be in force from and after its passage: *Provided*, That no one shall be appointed under its provisions except persons who were performing the duties of acting military storekeepers prior to January first, eighteen hundred and sixty-four, or have become incapacitated by wounds or sickness for active service.

Ibid. § 2.
Bonds.
Who may be appointed.

XV.—SUPERNUMERARY OFFICERS.

728. Organizations of.

729. Privilege of joining other companies.

730. Offices left vacant by the resignation of supernumeraries. Lowest grade of commissioned officers, senior second lieutenant, and first lieutenant.

June 14, 1864
 § 1, ch. 51.
 Organization of supernumerary officers.

728. That the President is hereby authorized to grant authority for the organization of companies, battalions, or regiments, to be composed of supernumerary officers of the Provisional army.

Ibid. § 2.
 Privilege of joining other companies.

729. That it shall be lawful for any supernumerary officer to join said organizations, or any other company in the Confederate service, which does not exceed the maximum prescribed by law, upon tender to the proper authorities of his resignation for that purpose.

Ibid. § 3.
 Offices left vacant by the resignation of supernumeraries.

730. That the offices left vacant by such resignations shall not be filled, and that hereafter the lowest grade of commissioned officer shall not be filled unless there are upon the rolls of the company for service at least forty-six non-commissioned officers and privates; nor shall the position of senior second lieutenant be filled, in case of a vacancy therein, unless there are upon the rolls of the company for service at least thirty non-commissioned officers and privates; nor shall the position of first lieutenant be filled, unless in case of a vacancy there are at least twenty non-commissioned officers and privates on the rolls of the company for service—which fact shall in each case be certified to by the captain of the company, and approved by the colonel of the regiment, before such promotion can be made.

Lowest grade of commissioned officers, senior 2d lieutenant, and 1st lieutenant.

XVI.—NITRE AND MINING BUREAU.

731. Officers; their pay and allowances.

732. Appointment of chemists; their pay.

733. Duration of the act.

June 9, 1864.
 § 1, ch. 30.
 Officers; their pay and allowances.

731. That the act [483] approved April twenty-second, eighteen hundred and sixty-three, constituting the Nitre and Mining bureau an independent bureau of the War department, be amended as follows: That

the Nitre and Mining bureau shall consist of one colonel as chief of bureau, two lieutenant-colonels, six majors, twelve captains, who shall have the same pay and allowances prescribed for officers of cavalry of the same grade [71].

732. That chemists and professional assistants, absolutely essential for the operations of the bureau, not to exceed six of each class, shall be appointed by the Secretary of War, with pay in no case to be above that of lieutenant-colonel of the commissioned corps.

Ibid, § 2.
Appoint-
ment of
chemists;
their pay.

733. That this act shall continue in force only during the present war.

Ibid, § 3.
Duration of
the act.

XVII.—MILITARY COURTS.

734. When commanders of subordinate organizations may take action upon charges and specifications.

735. Acquittals and release.

736. Military courts in North Alabama.

737. Clerks and marshals; persons to fill said offices to be detailed.

734. That the above entitled act [346] be so amended that in all instances in which the particular division, corps, district, or other subordinate organization, to which a military court is or may be hereafter appointed or assigned, the commander of the army or department may, by order, when in his discretion it shall be proper and safe to do so, direct and empower the commander of the subordinate division, corps, district, etc., to pass upon and refer for trial all charges and specifications to come before said court, review and confirm or disapprove the records thereof, transmit the same direct to the War department, remit or suspend sentences (where lawful), and take all action and exercise all jurisdiction in that behalf which pertains under existing laws to the commander of the army or department.

June 14, 1864
§ 1, ch. 53.
When com-
manders of
subordinate
organiza-
tions may
take action
in relation
to charges.

735. That from and after the passage of this act, when any person shall have been tried by any military court or court-martial, and acquitted of the charge or charges preferred, the finding of the court shall be announced immediately, and the person so tried and

Ibid, § 2.
Acquittals
and release.

acquitted, if a soldier, shall be released from arrest and returned to duty; and if other than a soldier, discharged from custody without awaiting the examination or report of the reviewing officer of such court.

June 14, 1864
ch. 54.
Military
court in
North Ala-
bama.

736. That the proviso to said act [353], and also so much thereof as requires that the judge of the military court in North Alabama shall give ten days' notice of the times and places of holding said courts before the same are held, be, and the same are hereby, repealed.

June 14, 1864
ch. 57.
Clerks and
marshals:
Secretary of
War to de-
tail persons
to fill said
offices.

737. That so much of the said act [347] as empowers the said military courts to appoint their clerks and marshals, and provides for the payment of the salaries of the said officers, is hereby repealed; and hereafter it shall be the duty of the Secretary of War to detail and assign persons to fill said offices from military officers and non-commissioned officers and privates unable to perform duty in the field, and the compensation of such persons shall only be the pay to which they may be respectively entitled by virtue of their military commissions.

XVIII.—STATE AGENTS.

738. To communicate with troops; may purchase forage.

May 31, 1864
ch. 9.
State officers
appointed to
communi-
cate with
troops, al-
lowed to
purchase
forage.

738. That the above named act [345] be, and the same is hereby, amended so as to allow to the state officer therein named the right to purchase forage for one horse, in addition to the right granted thereby to purchase one ration—said purchases to be made upon the same terms and conditions, and under the same circumstances, under which officers of the Provisional army may be allowed to purchase rations or forage.

XIX.—CLAIMS.

739. For forage, provisions, etc., furnished or informally impressed. Claims originating west of the Mississippi river. Compensation to agents. Quartermasters, or disabled officers, may be assigned. Non-commissioned officers and privates.
740. Limitation of act. Presentation of claims.

739. That it shall be the duty of the Secretary of War to appoint and assign, in each congressional district, and for each territory, an agent, not liable to military duty in the field, who shall, at stated times, in each county or parish, under the direction of the post quartermaster nearest to him, receive and take proof, under oath, in relation to all claims in said district for forage, provisions, cattle, sheep, hogs, horses, mules, teams, and wagons heretofore furnished to the army by the owner, or heretofore taken or informally impressed for the use of the army and not yet paid for, by any officer in the military service, or by his order or direction, express or implied, from the use of the property, whether said officer be a line or staff officer, and whether he be a bonded officer or otherwise, and report the facts and transmit the evidence in each case to the proper accounting officers of the Treasury, together with his opinion as to the justice and validity of the claim; and the said accounting officers are hereby authorized to audit, and control, and order payment of such claims as appear to them to be equitable and just: *Provided*, That all such claims originating west of the Mississippi river shall be reported to the accounting officers of the Treasury department established for the trans-Mississippi department, who are hereby authorized to audit, control, and direct payment of the same, in the same manner as the accounting officers of the Treasury east of the Mississippi river. And the said agent is hereby authorized, in taking testimony in regard to said claims, to administer oaths to witnesses, and, if he think proper, to the claimants themselves. The compensation allowed to said agent shall be ten dollars per day while actually engaged in the performance of the duties imposed on him by this act, and thirty cents

June 14, 1864
§ 1, ch. 42.
For forage,
provisions,
etc., furnish-
ed by the
owner, or
informally
impressed.

Claims origi-
nating west
of the Mis-
sissippi river

Compensa-
tion to
agents.

Quartermasters or disabled officers may be assigned.

Non-commissioned officers and privates.

Ibid. § 2.
Limitation of act.

Presentation of claims.

per mile for every mile actually travelled by him, to be paid under regulations to be prescribed by the Secretary of War: *Provided*, That the Secretary of War may assign to the duty herein mentioned any quartermaster or disabled officer of the army; and, in that event, said officer or quartermaster shall, in addition to the compensation now allowed him by law, be entitled to mileage at the rate of forty cents per mile: *Provided, further*, That the Secretary of War may appoint and assign any non-commissioned officer or private to perform the duties under this act who may be unfit for active service in the field because of wounds received or disease contracted in said service, and the pay and allowances of such non-commissioned officer or private, when so appointed and assigned, shall be the same as are allowed to persons so appointed who may not be liable to military service.

740. This act shall cease and determine on the first day of January, eighteen hundred and sixty-five, east of the Mississippi river, and on the first day of May, eighteen hundred and sixty-five, west of the Mississippi river; and all claims of the description aforesaid, not presented to the agent aforesaid prior to said dates, at the respective places mentioned, shall not be entitled to the benefits of this act.

XX.—HABEAS CORPUS.

[See 396 *et seq.*]

741. Compensation of commissioners and their assistants.

742. Powers of the commissioners.

June 9, 1864.
§ 1, ch. 28.
Compensation of commissioners and their assistants.

741. That the commissioners appointed under the said act [403] shall be entitled to receive the compensation of two hundred and fifty dollars each per month, from the date of their respective appointments until the expiration of their service; and that their assistants shall be allowed one hundred and fifty dollars per month, from the date of their appointments, respectively, until the expiration of their service.

742. That the said commissioners shall have the powers conferred upon commissioners appointed by the district courts by the act of the Provisional Congress approved thirtieth of August, eighteen hundred and sixty-one, and numbered two hundred and seventy-three in the acts of the said Congress.*

Ibid, § 2.
Powers of
the commis-
sioners.

XXI.—HOSPITALS.†

743. Commutation value of hospital rations.

743. That the commutation value of rations of the sick and wounded officers and soldiers in hospitals or other places, used in camp or the field as hospitals, be fixed at the government cost of said rations, and one hundred per centum thereon: *Provided*, that said one hundred per centum on the government cost of each ration commuted shall constitute a hospital fund, and be drawn and appropriated as the Secretary of War shall deem necessary, to purchase supplies for the use of the sick and disabled of the army in hospitals [408].

June 14, 1864
Commu-
tation value of
rations of the
sick and
wounded.

* No. 273. *An act vesting certain powers in the Commissioners of the District Courts of the Confederate States.*

SECTION 1. *The Congress of the Confederate States of America do enact*, That the commissioners appointed by the district courts of the Confederate States shall have power to issue warrants of arrest against offenders, for any crime or offence against the Confederate States, or the laws thereof, and to commit to prison or admit to bail such offender, as the case may be, for trial before such court as may have cognizance of the offence, and with all the powers in relation to crimes and offences against the Confederate States, or the laws thereof, which are conferred on justices of the peace in relation to crimes and offences against the United States of America, by the act of the twenty-fourth of September, seventeen hundred and eighty-four, of the Congress of said United States, entitled "An act to establish the judicial courts of the United States."

† Sick and wounded officers allowed treatment and rations free of charge [713].

XXII.—TAXES.

744. Additional tax for the year 1864.
 745. Appropriated to payment of increased compensation of soldiers.
 746. Tax remitted on slaves lost by act of the enemy.
 747. Act of 17th of February, 1864, amended.
 748. Where crops have been wholly or partially destroyed.
 749. Where quantity of corn reserved is insufficient for actual wants of producer.
 750. Fruit, and products of gardens, when exempt from taxation.
 751. Account of slaughtered hogs.
 752. Additional taxes levied. Five per cent. on property specified. Deduction for tax in kind. Duty of post quartermaster.
 753. Bacon and certain agricultural products; when not subject to taxation.

June 10,
1864, § 1,
ch. 34.
Additional
tax for the
year 1864.

744. That upon all subjects of taxation under existing tax laws there shall be assessed and levied a tax equal to one-fifth of the amount of the present tax on the same subjects for the year eighteen hundred and sixty-four, which tax shall be payable only in Confederate treasury notes of the new issue, and shall be collected at the same times with the other taxes on the same subjects, under the laws now in force.

Ibid, § 2.
Appropriated to payment of increased compensation of soldiers.

745. The money arising from the tax hereby imposed shall be appropriated, first, to the payment of the increased compensation of the soldiers under the act passed at the present session [705].

June 10, 1864
ch. 36.
Tax remitted on slaves lost by act of the enemy.

746. That whenever slaves shall have been assessed, but between the time of the assessment and the time fixed by law for the payment of the tax thereon, such slaves shall be lost to the owner by the act of the enemy, the said tax may be remitted in the manner pointed out by the second section of the act entitled "An act for the relief of tax-payers in certain cases," approved February thirteenth, eighteen hundred and sixty-four [536].

June 10, 1864
§ 1, ch. 32.
Act of Feb. 17, 1864,
amended.

747. That the act [541] approved seventeenth February, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to lay taxes for the common defence and carry on the government of the Confederate States,' approved April twenty-fourth, eighteen hundred and sixty-three" [529], be, and the same is hereby, amended as follows: After the word "wool," in the first proviso of the fourth paragraph of section ten, the words "in the aggregate" shall be

inserted ; and in the same article and section, the word "eight" shall be substituted for the word "five," so as to read : *Provided*, That post quartermasters shall direct such delivery to be made at any time within eight months after the date of said estimates, etc.

748. In all cases where crops, subject to a tax in kind, have been or may be destroyed, in whole or in part, by fire or any other accidental cause, or by the enemy, if before assessment, the assessor shall regard the part of the crop not destroyed as all that was produced by the owner ; if after assessment, and the destruction be satisfactorily proven, the post quartermaster shall also regard the portion of the crop not destroyed as all that was produced, and the proof relieving the producer shall entitle the quartermaster to a credit on his return for the property thus lost [535, 536].

Ibid[¶] 2.
Where crops have been wholly or partially destroyed.

749. In cases where the quantity of corn reserved from the tax in kind is not sufficient to supply the actual wants of the producer, without any default on his part, upon satisfactory evidence of the fact, the Secretary of War is authorized to allow the money-value to be paid for the tithe to the extent thus required.

Ibid, § 3.
Where quantity of corn reserved is insufficient for actual wants of producer

750. The law imposing a tax upon the assessed value of property shall not be so construed as to impose a tax upon the produce of gardens intended for the use of the family of the owner, nor upon fruit raised for domestic use and not for sale.

Ibid, § 4.
Fruit, and products of gardens ; when exempt from taxation.

751. That the account of slaughtered hogs required by the first section of said act shall be rendered on or about the first day of March, eighteen hundred and sixty-five and eighteen hundred and sixty-six, for each year preceding said date. [See 542.]

Ibid, § 5.
Account of slaughtered hogs.

752. That the first, second, and third sections of the "Act to levy additional taxes for the common defence and support of the government," approved seventeenth of February, eighteen hundred and sixty-four, be amended and re-enacted, so as to read as follows, to wit :

June 14, 1864
ch. 44.

SECTION 1. That, in addition to the taxes levied by

Additional taxes levied.

the "Act to lay taxes for the common defence and to carry on the Government of the Confederate States," approved April twenty-fourth, eighteen hundred and sixty-three, there shall be levied from the seventeenth day of February, eighteen hundred and sixty-four, on the subjects of taxation hereinafter mentioned, and collected from every person, copartnership, association, or corporation liable therefor, taxes as follows, to wit :

Five per cent
on property
specified.

Deduction
for tax in
kind.

Duty of post
quartermas-
ter.

I. Upon the value of all property, real, personal, and mixed, of every kind and description, not herein-after exempted or taxed at a different rate, five per cent.: *Provided*, That from the tax on the value of property employed in agriculture shall be deducted the value of the tax in kind derived therefrom during the same year, as assessed under the law imposing it, and delivered to the government, whether delivered during the year or afterward, including the bacon, deliverable after, and not prior to, the assessment of the tax on property employed in agriculture as afore-said; and the collection of the tax on such property shall be suspended after assessment, under the order of the Secretary of the Treasury, until the value of the tithe to be deducted can be ascertained; and when so ascertained, it shall be the duty of the post quartermaster to certify, and of the district collector to deduct, the value of such tithe, and any balance found due may be paid in bonds and certificates therefor, authorized by the "Act to reduce the currency and to authorize a new issue of notes and bonds," in like manner as other taxes payable during the year: *Provided*, That no credit shall be allowed beyond five per cent.

Ibid, § 5.
Bacon and
certain agri-
cultural pro-
ductions not
subject to
taxation.

753. That this act shall not be so construed as to subject to taxation corn, bacon, and other agricultural products which were produced in the year eighteen hundred and sixty-three, and in the possession of the producer on the seventeenth of February, eighteen hundred and sixty-four, and necessary for the support of himself and family during the present year, and from or on which taxes in kind have been deducted and delivered or paid.

XXIII.—SCOUTS FOR MISSISSIPPI VALLEY.

754. Appointment authorized.

755. Authority to raise companies for scout and guard duty.

756. Details for such service.

757. Of what composed, and how equipped.

754. That the President of the Confederate States be and is hereby authorized, by and with the advice and consent of the Senate, to appoint one major and four captains to do service as scouts in the valley of the Mississippi river, or to assign any proper officers for that purpose.

June 10, 1864
ch. —
Appoint-
ment of
scouts for
service in
the Missis-
sippi valley.

755. That the officers thus commissioned shall have authority to raise four companies, to be officered by the President, to be composed of such members and such persons as he may approve, for scout and guard duty for government transportation across the Mississippi river, under such rules and regulations as may be prescribed by the War department.

Ibid, § 2.
Authority to
raise compa-
nies for scout
and guard
duty.

756. That the President may detail such officers and men from the army as he may deem peculiarly qualified for such service.

Ibid, § 3.
Details for
such service.

757. That such scouts and guards shall be composed either of infantry or cavalry, or in part of both, at the discretion of the President, and equipped in such manner as will make them most effective, and shall be entitled to the same pay and allowances, and be subject to the same regulations, as other soldiers. [For pay, see 67 *et seq.*]

Ibid, § 4.
Of what com-
posed, and
how equip-
ped.

XXIV.—VIRGINIA.

758. Ancient boundaries to be maintained.

758. *Whereas*, Resolutions of the General Assembly of Virginia, adopted October eighth, eighteen hundred and sixty-three, have been communicated to Congress by the governor of that state, at the request of the general assembly, wherein that body, referring to former proceedings, and to the attempt of

June 4, 1864.
Res. 9.
Preamble.

the enemy to form a new state out of the State of Virginia, declares that "it is the firm determination of the state, and known to be that of the Confederate government, to assert and maintain the jurisdiction and sovereignty of the State of Virginia to the uttermost limits of her ancient boundaries, at any and every cost."

Ancient
boundaries
to be main-
tained.

The Congress of the Confederate States of America do resolve, That in no event will this government consent to a division or dismemberment of the state of Virginia, but will assert and maintain her jurisdiction and sovereignty to the uttermost limits of her ancient boundaries, at any and every cost.

XXV.—WAR DEPARTMENT.

759. Appointment and salary of disbursing clerk

May 31, 1864
ch. 12.
Appoint-
ment and
salary of dis-
bursing
clerk.

759. That there shall be appointed by the Secretary of War a clerk, with a salary of twenty-five hundred dollars per annum, who shall be charged with making the disbursements for the said department, and who shall give a bond, with sureties, for the faithful performance of the duties of his office, in such sum as the Secretary of War shall prescribe. And all acts and parts of acts now providing for the appointment and salary of disbursing clerk for said department be, and the same are hereby, repealed: *Provided*, Said salary shall not continue for a period beyond the duration of the war with the United States. [See 555.]

XXVI.—WAR.

760. Manifesto of Congress relating to the existing war with the United States. Copies to be transmitted to our commissioners abroad. Declaration of the principles, dispositions, and purposes of the Confederate States.

June 14, 1864
Res. 13.
Manifesto of
Congress re-
lating to the
existing war
with the
United
States.

760. *Whereas*, It is due to the great cause of humanity and civilization, and especially to the heroic sacrifices of their gallant army in the field, that no means consistent with a proper self-respect, and the approved usages of nations, should be omitted by the

Confederate States to enlighten the public opinion of the world with regard to the true character of the struggle in which they are engaged, and the dispositions, principles, and purposes by which they are actuated: therefore,

Resolved, by the Congress of the Confederate States of America, That the following manifesto be issued in their name and by their authority, and that the President be requested to cause copies thereof to be transmitted to our commissioners abroad, to the end that the same may be laid before foreign governments:

Copies to be transmitted to our commissioners abroad.

MANIFESTO OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA RELATIVE TO THE EXISTING WAR WITH THE UNITED STATES.

The Congress of the Confederate States of America, acknowledging their responsibility to the opinion of the civilized world, to the great law of Christian philanthropy, and to the Supreme Ruler of the Universe, for the part they have been compelled to bear in the sad spectacle of war and carnage which this continent has, for the last three years, exhibited to the eyes of afflicted humanity, deem the present a fitting occasion to declare the principles, the sentiments, and the purposes by which they have been, and are still, actuated. They have ever deeply deplored the necessity which constrained them to take up arms in defence of their rights, and of the free institutions derived from their ancestors; and there is nothing they more ardently desire than peace, whensoever their enemy, by ceasing from the unhallowed war waged upon them, shall permit them to enjoy in peace the sheltering protection of those hereditary rights and of those cherished institutions.

Declaration of the dispositions, principles, and purposes of the Confederate States.

The series of successes with which it has pleased Almighty God, in so signal a manner, to bless our arms on almost every point of our invaded borders since the opening of the present campaign, enables us to profess this desire of peace in the interests of civilization and humanity without danger of having our motives misinterpreted. or of the declaration being

ascribed to any unmanly sentiment, or any distrust of our ability fully to maintain our cause. The repeated and disastrous checks, foreshadowing ultimate discomfiture, which their gigantic army, directed against the capital of the Confederacy, has already met with, are but a continuation of the same providential successes for us. We do not refer to these successes in any spirit of vain boasting, but in humble acknowledgment of that Almighty protection which has vouchsafed and granted them.

The world must now see that eight millions of people, inhabiting so extensive a territory, with such varied resources, and such numerous facilities for defence as the benignant bounty of nature has bestowed upon us, and animated with one spirit to encounter every privation and sacrifice of ease, of health, of property, of life itself, rather than be degraded from the condition of free and independent states into which they were born, can never be conquered. Will not our adversaries themselves begin to feel that humanity has bled long enough, that tears, and blood, and treasure enough have been expended in a bootless undertaking, covering their own land, no less than ours, with a pall of mourning, and exposing them, far more than ourselves, to the catastrophe of financial exhaustion and bankruptcy, not to speak of the loss of their liberties by the despotism engendered in an aggressive warfare upon the liberties of another and kindred people? Will they be willing, by a longer perseverance in a wanton and hopeless contest, to make this continent, which they so long boasted to be the chosen abode of liberty and self-government, of peace and a higher civilization, the theatre of the most causeless and prodigal effusion of blood which the world has ever seen, of a virtual relapse into the barbarism of the ruder ages, and of the destruction of constitutional freedom, by the lawlessness of usurped power? These are questions which our adversaries will decide for themselves. We desire to stand acquitted, before the tribunal of the world, as well as in the eyes of Omniscient justice, of any responsibility

for the origin or prolongation of a war as contrary to the spirit of the age as to the traditions and acknowledged maxims of the political system of America. On this continent, whatever opinions may have prevailed elsewhere, it has ever been held and acknowledged by all parties, that government, to be lawful, must be founded on the consent of the governed. We were forced to dissolve our federal connection with our former associates by their aggressions on the fundamental principles of our compact of union with them, and, in doing so, we exercised a right consecrated in the great charter of American liberty—the right of a free people, when a government proves destructive of the ends for which it was established, to recur to original principles, and to institute new guards for their security.

The separate independence of the states, as sovereign and coequal members of the Federal Union, had never been surrendered, and the pretension of applying to independent communities, so constituted and organized, the ordinary rules for coercing and reducing rebellious subjects to obedience, was a solecism in terms as well as an outrage on the principles of public law. The war made upon the Confederate States was, therefore, wholly one of aggression; on our side it has been strictly defensive. Born freemen, and the descendants of a gallant ancestry, we had no option but to stand up in defence of our invaded firesides, of our desecrated altars, of our violated liberties and birth-right, and of the prescriptive institutions which guard and protect them. We have not interfered, nor do we wish in any manner whatever to interfere, with the internal peace and prosperity of the states arrayed in hostility against us, or with the freest development of their destinies in any form of action or line of policy they may think proper to adopt for themselves. All we ask is a like immunity for ourselves, and to be left in the undisturbed enjoyment of those inalienable rights of “life, liberty, and the pursuit of happiness” which our common ancestors declared to be the equal heritage of all parties to the social compact. Let them

forbear aggressions upon us, and the war is at an end. If there be questions which require adjustment by negotiation, we have ever been willing, and are still willing, to enter into communication with our adversaries in a spirit of peace, of equity, and manly frankness. Strong in the persuasion of the justice of our cause, in the gallant devotion of our citizen-soldiers and the whole body of our people, and, above all, in the gracious protection of Heaven, we are not afraid to avow a sincere desire for peace on terms consistent with our honor and the permanent security of our rights, and an earnest aspiration to see the world once more restored to the beneficent pursuits of industry and of mutual intercourse and exchanges so essential to its well-being, and which have been so gravely interrupted by the existence of this unnatural war in America. But if our adversaries, or those whom they have placed in authority, deaf to the voice of reason and justice, steeled against the dictates of both prudence and humanity, by a presumptuous and delusive confidence in their own numbers, or those of their black and foreign mercenaries, shall determine upon an indefinite prolongation of the contest, upon them be the responsibility of a decision so ruinous to themselves, and so injurious to the interests and repose of mankind. For ourselves, we have no fear of the result. The wildest picture ever drawn of a disordered imagination comes short of the extravagance which could dream of the conquest of eight millions of people resolved, with one mind, "to die freemen rather than live slaves," and forewarned by the savage and exterminating spirit in which this war has been waged upon them, and by the mad avowals of its patrons and supporters of the worse than Egyptian bondage that awaits them in the event of their subjugation.

With these declarations of our dispositions, our principles, and our purposes, we commit our cause to the enlightened judgment of the world, to the sober reflections of our adversaries themselves, and to the solemn and righteous arbitrament of Heaven.

NAVAL LAWS.

- I. Iron-clad vessels.
- II. Bounty.
- III. Invalid corps.
- IV. Small-stores.
- V. Provisional Navy.
- VI. Volunteer Navy.
- VII. Rations.
- VIII. Transportation.
- IX. Details.

I.—IRON-CLAD VESSELS.

761. Money contributed by ladies of South Carolina, appropriated to build iron-clad vessels at Charleston.

761. That the sum of thirty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Navy, in the construction of iron-clad vessels at Charleston, South Carolina—this amount having been contributed by the ladies of South Carolina for this object, and paid into the Treasury.

May 19, 1864.
ch. 2.
Appropriation of money contributed by the ladies of South Carolina, to build iron-clad vessels at Charleston.

II.—BOUNTY.

762. Allowed to seamen, marines, and others.

762. That the provisions of the third section of the act entitled "An act to organize forces to serve during the war," approved February seventeenth, eighteen hundred and sixty-four [128], be, and the same are hereby, extended to the warrant officers, pilots, seamen, ordinary seamen, landsmen, and boys of the navy, and to the non-commissioned officers, musicians, and privates of the marine corps.

June 7, 1864.
ch. 20.
Bounty allowed to seamen, marines, etc.

III.—INVALID CORPS.

763. Sick or disabled seamen, marines, and others. Assignment to duty.

June 7, 1864.
ch. 21.
Sick or disabled seamen, marines, etc.
Assignment to duty.

763. That the act [311] entitled "An act to provide an invalid corps," approved February seventeenth, eighteen hundred and sixty-four, be extended to and held to embrace the ordinary seamen, landsmen, and boys of the navy, and the non-commissioned officers, musicians, and privates of the marine corps; and that assignments to duty of all officers, men, and boys of the navy and of the marine corps, under the fourth section of the said act, shall be made by the Secretary of the Navy.

IV.—SMALL-STORES.

764. To be issued to enlisted men of the navy.

June 7, 1864.
ch. 25.
Small-stores to enlisted men of the Navy.

764. That the act [636] entitled "An act to regulate the supplies of clothing to enlisted men of the navy during the war," approved April thirtieth, eighteen hundred and sixty-three, be, and the same is hereby, amended so as to authorize the Secretary of the Navy to issue supplies of small-stores to the enlisted men of the navy, upon the same terms as provided for the clothing authorized by said act.

V.—PROVISIONAL NAVY.

765. Amendment of act to create a Provisional Navy. Appointment of commissioned officers.

June 14, 1864.
ch. 50.
Amendment of "Act to create a Provisional navy."
Appointment of commissioned officers.

765. That in the first line of the fourth section [640] of the act entitled "An act to create a Provisional Navy of the Confederate States," the word "provisional" shall be substituted for the word "regular," so that the said fourth section shall read as follows: All commissioned officers of the Provisional Navy shall be appointed by the President, by and with the advice and consent of the Senate, whenever, in his judgment,

the public service requires their appointment, and in such numbers as he may think necessary, to the following ranks and grades, viz: Admirals, vice-admirals, rear-admirals, commodores, and to such other ranks and grades as may exist in the Regular Navy.

VI.—VOLUNTEER NAVY.

766. Resident foreigners and Marylanders allowed to volunteer in the service of the Volunteer Navy. Passports.

766. That the act [651] entitled "An act to amend 'An act to establish a Volunteer Navy,'" passed eleventh February, eighteen hundred and sixty-four, be so amended as to allow persons to volunteer in the service of the Volunteer Navy: *Provided*, Such persons are resident foreigners or Marylanders; and the President is hereby authorized to cause passports to be issued to such persons as shall volunteer as aforesaid, and shall be accepted by the president of the company by which such vessel was fitted out, either within or beyond the Confederate States.

June 14, 1864
ch. 49.
Resident foreigners and Marylanders allowed to volunteer in the service of the Volunteer Navy. Passports.

VII.—RATIONS.

[See 707 *et seq.*, and 713.]

VIII.—TRANSPORTATION.

[See 711.]

IX.—DETAILS.

[See 714 *et seq.*]

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be the best of the world. This is a very
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THE END OF THE WORLD

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ERRATA

On page 12, after the captions "VII. MILITARY STOREKEEPERS," "XI. CAVALRY,"
and "XII. INFANTRY," strike out the words and figures enclosed in brackets.
On page 158, foot note, for "see 373," read "see 468."

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